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OF

EDUCATION IN UPPER CANADA,

FROM THE PASSING OF THE

CONSTITUTIONAL ACT OF 1791,

TO THE

CLOSE OF THE REVEREND DOCTOR RYERSON'S ADMINISTRATION OF THE EDUCATION DEPARTMENT IN 1876.

VOL. IX: 1850, 1851.

FORMING AN APPENDIX TO THE ANNUAL REPORT OF THE MINISTER OF EDUCATION.

BY

J GEORGE HODGINS, M.A., LL.D.,

OF OSGOODE HALL, BARRISTER-AT-LAW; EX-DEPUTY MINISTER OF EDUCATION;
LIBRARIAN AND HISTORIOGRAPHER OF THE EDUCATION DEPARTMENT FOR ONTARIO.

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PREFATORY NOTE TO THE NINTH VOLUME.

This Volume deals with three Educational Historical Events of note. The First relates to the final transformation,—after many previous efforts,—of King's College into the University of Toronto, under the Baldwin Act of 1849, and the after explanatory, or declaratory, Act of 1850, which followed it.

The Second notable Event recorded in this Volume was the establishment, by Doctor Strachan, under exceptionally difficult circumstances, of the "Church University," named, by him, "Trinity College."

The Third Event of importance was the passage, (after fully testing public opinion, by correspondence on the subject,) of the carefully prepared and comprehensive Common School Act of 1850.

Each of these Events had a stirring and striking characteristic history of its own, as narrated in this and the preceding Volume.

The University Acts of 1849 and 1850 were only passed after a prolonged struggle, which dated back to the time when the previous effort had been made to settle this very troublesome "University Question" in 1837.

The "Church University,"—the result of this University controversy and its final settlement,—was only established by Doctor Strachan after a protracted, and, in many respects, an unpleasant recriminatory Correspondence with the Imperial and Provincial Governments, as fully given in this Volume. This Correspondence took a two-fold form,—the first part dealing largely with the two Governments on the subject of the alleged "destruction of King's College," and the necessity, therefore, as felt by Doctor Strachan, of obtaining directly from the Queen, a Charter, that would for ever after guard the "Church University" from any interference, on the part of the Executive Government of the Province, a precaution which had not been taken in the case of King's College. The other, and more personal part of this Correspondence, was in the shape of appeals to Members of the Church of England in Canada and in the Mother Country, for practical sympathy, in the shape of Lands and Money. This portion of theCorrespondence is only given in part, as not being of public interest.

The untoward circumstances, connected with the passage of the (Cameron) School Act of 1849, (which has been fully detailed in the preceding Eighth Volume of this History, and which led to its practical abrogation,) suggested to the Baldwin Government of the day the desirability of ascertaining what was the actual state of public opinion in regard to the proposed School legislation, by which it was designed to replace the discredited (Cameron) School Act with a comprehensive and thoroughly practical one.

With this object in view, the Honourable Francis Hincks, Inspector General, (who, on behalf of the Government, had charge, in 1850, of School legislation in

the House of Assembly,) issued a Circular in January, 1850, on the subject, to School Superintendents, Ministers and other official persons. In it, he asked for personal opinions on the provisions of the School Acts of 1846, 1847 and the (Cameron) Act of 1849. He requested that he should be furnished with such practical suggestions, in regard to the provisions of a new School Bill, as the writers were prepared to recommend.* The more important of the Replies to his Circular, which Mr. Hincks received, are embodied in Chapter III of this Volume

The whole of these Replies and Suggestions, were transferred by Mr. Hincks to Doctor Ryerson, who, at his request, embodied such of them as were approved in a Draft of Bill, which was largely based upon Drafts of School Bills which Doctor Ryerson had transmitted to the Government in 1848 and 1849* Mr. Hincks submitted this revised Draft of Bill to the House of Assembly in May, 1850, and it was passed into a Law in July of that year. From its comprehensive character it has always been considered as the Charter Act of the School System of Ontario.

A personal incident, affecting Doctor Ryerson, occurred during the passage of the School Bill of 1850 through the House of Assembly. A vigourous attack had been made on the salary of the Chief Superintendent, with a view to reduce it, and the question of his dismissal by the Government, (for having taken a leading part against the Members of that Government in 1844,) came up, in the course of this discussion. In his reply to those who had advocated the dismissal of the Chief Superintendent, Mr. Hincks said :—

"I do not find that the Reverend Gentleman, since his appointment, (in September, 1844,) has entered, in the slightest degree, into the field of politics ; and, as he has discharged his duties with great zeal and ability, the Government had no reason to interfere with him . . . My own determination is,—to give him my most cordial support. As a Member of the Government, I consider it my duty to do so."

Mr. Hincks honourably performed his promise to give Doctor Ryerson his "most cordial support." As will be seen on page 23 of this Volume, he put into the Estimates of 1850 the item of $60,000, to enable the Chief Superintendent to erect Normal and Model Schools and the Education Offices. As that sum did not prove to be sufficient, he put in the Estimates of a year, or two, afterwards an item of an additional sum of $40,000,—or $100,000 in all,—so as to enable Doctor Ryerson to finally complete his plans.

A Bill, with the indefinite title of : "An Act to Define and Restore Certain Rights to Parties therein Mentioned," was introduced into the Legislative Council by the Honourable John Ross. The object of this Bill was to authorize the establishment of Roman Catholic Separate Schools in each Ward of a City, or Town. Its passage by the Legislature, in August, 1851, led to a good deal of unpleasant controversy at the time. The circumstances connected with this case are fully stated on page 239-241 of this Volume.

One of the most rare and interesting Documents, which I was able to secure for this Volume, was, as its title stated :—

* These Drafts of Bills are given on pages 83-93 and 217-221 of the Eighth Volume of this Documentary History.

"A Brief History of King's College in Upper Canada from its First Germ in 1797, to its Suppression in 1850."

This rare Document was originally printed in a separate form, chiefly for circulation in England, by the promoters of Trinity College. It has no signature attached to it; but, having been favoured with the loan of a large Volume of Manuscripts, entitled: "Original Documents: Church University," I found that this original Document is in Bishop Strachan's well-known hand writing—with sundry erasures and additions,—the most important of which I have reproduced in the copy, as reprinted in this Volume.

Of the Proceedings of the following Public Bodies, which were of general Educational interest, I have made selections of the most important parts of them:

1. The Educational Proceedings of both Branches of the Legislature, for the years 1850 and 1851, and, (in a separate Chapter,) the Reports and Papers relating to the University of Toronto, etcetera, which were laid before them*

2. The Educational Acts passed by the Legislature in the years 1850 and 1851.

3 The Educational Proceedings of the initial Meeting of the Senate of the University of Toronto for the year 1850, and the Proceedings of its second Meeting in 1851; also the Proceedings of the Endowment Board of the University and the Report of the Commission of Inquiry into the Affairs of King's College. In this connection I have given such Proceedings of the Visitation Commission of the University of Toronto as were available.

4. The Proceedings of the Board of Education, (afterwards the Council of Public Instruction), for Upper Canada for the year 1850.

5. The Proceedings of certain Churches, representing Victoria and Queen's Colleges, etcetera

This Volume also includes two important Documents by Doctor Ryerson:

1. An Appeal to the Inhabitants of Upper Canada in Favour of Free Schools.
2. Annual School Report for the year 1850.

Also, a Series of Circulars, explanatory of the Provisions of the New School Law of 1850, and various suggestions as to how these Provisions of the Act could be most satisfactorily brought into successful operation.

I have thus sought to group into separate Chapters the Educational Proceedings of the several Public Bodies named. In many cases there did not seem to be any immediate connection between the Proceedings of the Legislature and those of the other Bodies, having a separate organization. Yet, it very frequently was found, that there was a sort of interdependence the one on the other, which influenced their seperate action, more or less.

* These Papers include the Correspondence of Doctor Strachan with the Imperial and Provincial Governments, and the Despatches of the Governor General and the Colonial Secretary, on the subject of a "Church University" for Upper Canada.

In thus grouping the several Chapters, in this Volume, I have sought to give a separate, yet a connected narrative, of the Educational Events of the years named, arranging that narrative in what I believed to be the order of its interest and importance,—carefully avoiding repetition, or overlapping, of topics, or subjects.

I need only refer here to the great difficulty which has been experienced in many cases, in collecting from miscellaneous and, in some cases, from unexpected sources, the materials, which go to make up these several Volumes, and then arranging that material in somewhat like systematic order, so as to give a comprehensive birds-eye view, for the specified years, of the entire collection of separate Educational Papers and Documents as a whole.

J. GEORGE HODGINS,

Librarian and Historiographer of the
Education Department for Ontario.

Toronto, August the 12th, 1902.

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CHAPTER I.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATURE OF CANADA.

On the 14th of May, 1850, His Excellency the Earl of Elgin and Kincardine opened the Third Session of the Third Provincial Parliament of Canada with the usual Speech from the Throne. In it he made no reference to Educational matters.

1. Educational Proceedings of the House of Assembly, 1850.

May 21st, 1850. Pursuant to the Orders of the Day the following Petitions were read : Of the Municipal Council of the United Counties of Wentworth and Halton, praying that the duties pertaining to the Office of the Chief Superintendent of Education be merged in some one of the Departments of Government.

The Petition was as follows :—

The Petition of the Municipal Council of the United Counties of Wentworth and Halton to the Legislative Assembly :

Respectfully Sheweth :—

That your Petitioners are of opinion that the Educational interests of Canada require to be placed under the care of one of the Members of the Executive Council, being convinced that, thereby, not only would these interests be better subserved, but that a large saving of public expenditure would be effected.

We, therefore, pray that the duties pertaining to the Office of Chief Superintendent of Education, be merged in some one of the Departments of the Government.

And your petitioners, as in duty bound, will ever pray.

Hamilton, 10th of April, 1850. Robert Spence, Warden.*

Six Petitions were also presented from Municipal Councils, praying that the funds accruing from the Clergy Reserve and Rectory Lands be appropriated to the purposes of General Education and public improvements.

May 28th, 1850. Pursuant to the Orders of the Day, the following Petitions were read (1.) Of the Right Reverend Joseph E. Guigues, the Bishop of Bytown ; praying aid in support of the College of Bytown ; (2) Of Mr. Thomas Tracy and others, Roman Catholics of School Section Number Ten, in the Township of Kitley ; praying for the re-establishment of Separate Schools, and the equitable distribution of Common School Fund ; (3) Of the Municipality of the Township of Brantford ; praying that the office of Chief Superintendent of Education be merged in some Department of the Government; (4) Of Mr. George Hyde, Townreeve and others, on behalf of the Municipality of the Township of Plympton, praying for the sale of the Clergy Reserve and Rectory Lands, and that the proceeds accruing therefrom be appropriated to purposes of General Education ; (5) Of Mr. Edward Masse and others of Bytown, praying for aid in behalf of the College of Bytown, similar to that granted to other Institutions of a like nature Three Petitions were also presented, praying for the repeal of the Imperial Act relating to the Clergy Reserves, and that the funds accruing therefrom be appropriated to purposes of General Education,—and also for the abolition of the Rectories.

May. 29th, 1850.—The Honourable James H. Price, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency. And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth :

* Mr. Robert Spence, who was afterwards Postmaster General of Canada, and subsequently, in the early sixties, Collector of Customs at Toronto, was one of the active opponents of the principle of "Compulsory taxation" for Schools ; see pages 61-63 of the Eighth Volume of this Documentary History of Education in Upper Canada. The views expressed in the foregoing Petition were also embodied in a Petition from Brantford, presented to the House on the 28th of May, and in a Memorial of the Gore District Council to the Legislature in 1847, see page 115 of the Seventh Volume of this History.

ELGIN AND KINCARDINE.

The Governor General informs the Honourable the Legislative Assembly that the Bill passed by the Legislative Council and Assembly in the month of March, 1849, and reserved for the signification of Her Majesty's pleasure, intituled: "An Act to raise an Income of One Hundred Thousand Pounds,(£100,000,) out of the Public Lands in Canada, for Common School Education," was specially confirmed and finally enacted by Her Majesty in Council, on the Ninth day of March, 1850.*

GOVERNMENT HOUSE, TORONTO, 27th. May, 1850.

Ordered, That the Honourable Francis Hincks have leave to bring in a Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada. He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday the Seventh of June next.†

May 31st, 1850. Pursuant to the Orders of the Day, the following Petitions were read:—(1), Of the Very Reverend Angus Macdonell, President of the College of Regiopolis, Kingston, praying for aid in support of the said College; (2), Of the Right Reverend Joseph E. Guigues, Bishop of Bytown; praying for aid in behalf of the College of Bytown; (3). Of Skeffington Connor, Esquire, and others, praying an Act of Incorporation as the Elgin Association for the Social and Moral Improvement of the Coloured population of Canada; (4), Of Mr. N. C. W. Cannon, Elder, and others, Coloured inhabitants of the Township of Colchester, County of Essex, praying for an Act to incorporate the Wilberforce Lyceum Educating Society, established in the said Township.

On motion of the Honourable Malcolm Cameron, seconded by Mr. Benjamin Holmes, it was—

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying him to cause to be laid before this House copies of all Correspondence that may have taken place between any Member of the Government and the Chief Superintendent of Education in Upper Canada, on the subject of the School Bill of last Session, 1849, or on the subject of Education generally, or between any Member of the Government and other Persons in the Country, on the same subject, of an official character. It was further—

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

June 3rd, 1850. Pursuant to the Order of the Day, the following Petitions were read:—(1), Of the Reverend Michael Lalor and others, of the Town of Picton, County of Prince Edward, praying for a certain amendment to the Common School Act; (2), Of the Municipal Council of the County of York, praying for certain amendments to the Common School Act; (3). Of the Town Council of Brantford, praying for the appropriation of the funds, accruing from the Clergy Reserve and Rectories, to purposes of General Education.

June 5th, 1850. Pursuant to the Order of the Day, the following Petitions were read:—(1), Of the University of Queen's College, Kingston, praying an adequate Grant for the Endowment of the said College; (2), Of the Board of Trustees of Queen's College, Kingston, praying for a Grant in aid of the Grammar School of the said College, such as that enjoyed by the High Schools of Montreal and Quebec; (3), Of Mr. Lewis Willson, Chairman, and others, on behalf of a Public Meeting held in the Township of Pelham, District of Niagara, praying that the money accruing from the Clergy Reserves and Rectories may be applied to raising a School Fund.

The Honourable Francis Hincks, one of Her Majesty's Executive Council presented, pursuant to an Address to His Excellency the Governor General, a Return to an Address from

---

* A copy of this Act, *in extenso*, will be found on page 116 of the Eighth Volume of this Documentary History. See also pages 133 and 187 of the same Volume.

† In his Annual Report for 1858, the Reverend Doctor Ryerson thus refers to the preparation of this Common School Bill of 1850. After referring to the suspension of the Cameron School Act of 1849, Doctor Ryerson said: By request, I prepared the Draft of another School Bill, in 1850, to the examination and revision of which the Honourable Robert Baldwin, then Attorney General, devoted the parts of two, or three, days. It was brought into the House of Assembly, after due examination, by the Honourable Francis Hincks, Inspector General, on behalf of the Government, and, after long and careful discussion, was passed by the consent of all parties in the Legislature, and became the Common School Act of 1850."

(NOTE. The original printed copy of this Draft of Bill, with Mr. Baldwin's anotations on it, is now in my possession. J. G. H.)

As this Bill, after it was passed into an Act, became practically the Charter of the Public School System of Ontario, I have thought it desirable to insert in appropriate places, as the debate on it progressed, the remarks on various provisions of the Bill of the more prominent Members of the House of Assembly, especially those of the Member of the Government, (the Honourable Francis Hincks), who introduced the Bill into the House of Assembly.

the Legislative Assembly to His Excellency the Governor General, dated the 31st ultimo, praying His Excellency to cause to be laid before the House copies of all Correspondence that may have taken place between any Member of the Government and the Chief Superintendent of Education in Upper Canada, on the subject of the School Bill of last Session, (1849,) or on the subject of Education generally, or between any Member of the Government and other Person in the Country, on the same subject, of an official character. It was—

Ordered, That the said Return be printed for the use of Members of this House.

June 6th, 1850. A Petition was read from Mr. Henry Walker and John Jarron, M.D., of the County of Haldimand, praying that measures be adopted to appropriate the funds accruing from the Clergy Reserve Lands to Common School purposes.

June 12th, 1850. Two other Petitions were presented on the subject of the Clergy Reserves from Stamford and Puslinch Townships.

June 14th, 1850. Pursuant to the Order of the Day, the following Petitions were read :— (1), of Mr. John G. Weir, Townreeve, in behalf of the Municipality of the Township of Raleigh, praying that the application made by Doctor Connor and others on the 21st ultimo (page 2), for an Act to incorporate the Elgin Association for the elevation of the Coloured Population, be not granted ; (2), Of Mr. Michael Rape and others, Trustees of the Roman Catholic Separate School, of School Section Number Ten, in the Township of Kitley, praying that provision be made for the said School for the year 1850, and that due regard be had to their rights.

June 17th, 1850. Two Petitions were read, on the appropriation of the proceeds of the Clergy Reserve and Rectory Lands to Education, (from the County of Peterborough and County of Oxford.)

June 19th, 1850. The following Petitions were read : —(1), Of the Municipality of the Township of Wainfleet, praying for certain modifications to the Common School Bill, now before the House, should it be deemed expedient to alter the existing law ; (2), Of the Common Council of the City of Kingston, praying for certain amendments to the Common School Bill now before the House.

The Committee on Standing Orders reported that the Petition of Skeffington Connor, Esquire, and others, presented to the House on the 31st ultimo, (page 2) in regard to the Elgin Association is not considered to be such as to require notice under the Sixty-sixth Rule of the House.

Four Petitions were read on the appropriation of the proceeds of the Clergy Reserves and Rectories to Education, (from the Synod of the Presbyterian Church, and the Townships of Pelham, Wainfleet and Louth).

June 20th, 1850. The Petition of Mr. Jordan Challenger and others, of the Town and vicinity of Chatham, praying that the application to incorporate the Elgin Association be not granted ; and that measures be adopted to discourage the emigration of Coloured people into this Province, and to disqualify them from enjoying certain civil and political rights.

June 21st, 1850. The Petition of Mr. James Brenan and others of the Union School Section Number Seven, in the Township of Emily, praying that in the remodelling of the Common School Act, certain provisions may be inserted for the protection of Teachers' wages.

The Clergy-Reserve Question, as connected with Education.

So constantly had the Clergy Reserve Question been mixed up with that of Education, (so far as the support of Schools was concerned,) that I have thought it desirable to insert in this place the Series of Resolutions proposed by the Honourable James Harvey Price, which briefly recounts the history of this troublesome and vexatious Question.

It was in the Constitutional Act of 1791, as suggested by Colonel John Graves Simcoe, then a Member of the British House of Commons, and afterwards the first Governor of Upper Canada, that provision was made for the setting apart of one-seventh of the Crown Lands of Upper Canada, "for the support of a Protestant Clergy." An agitation for the alienation of the Reserves from Clerical to Educational purposes was kept up in Upper Canada for many years and which only ceased on the final settlement of the question in 1854.

Two Petitions were read on the subject of the appropriation of Clergy Reserve and Rectory proceeds of land to purposes of Education.

The Order of the Day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed, by the Honourable Malcolm Cameron of Kent, to be made to the Question :—*

"That the interests and dividends accruing upon such investment of the proceeds of all Clergy Reserves sold, or to be sold, and also the interest to accrue upon sales upon credit of Clergy Reserve Lands, and all rents arising from such Lands that have been, or may be, derived for any term of years shall be paid to the Receiver General of this Province, or such other person, or Institution, as shall be appointed to receive the public revenue, and shall together remain an annual fund for the purposes of General Education."

The following is Mr. J. H. Price's series of Resolutions, giving a brief Parliamentary history of the Clergy Reserve Question :—

The Question being put, the Honourable James Harvey Price moved, seconded by the Honourable Francis Hincks,

1. That it appears by the last Census taken in Upper Canada, that the Population of that section of the Province was, in the year One Thousand Eight Hundred and Forty-Eight, (1848,) 723,332, of which 239,651 are returned as in connection with the Churches of England and Scotland, the only Churches receiving any considerable benefit from the Clergy Reserve Endowment :

2. That in the early settlement of the Province, the reserved Lands were of little value, and, as no sales had then been authorized by the Imperial Parliament, the question attracted but a slight share of public attention ;

3. That, so soon as the intention of the Imperial Government to dispose of the lands reserved in Upper Canada became known, the Representatives of the People of that Province took the whole subject into their most serious consideration, and, with an unanimity that prevailed on no other question, endeavoured to remove a grievance universally complained of by the People, save and except by those interested in the maintenance of Church Establishments :

4. That, in the year One Thousand Eight Hundred and Twenty-seven, (1827), a Bill to authorize the Sale of the Clergy Reserves and the application of the proceeds thereof to the purposes of General Education, was passed through the House of Assembly of Upper Canada, —the division on the second reading having been 22 to 6 ; but this Bill was rejected by the Legislative Council : *

5. That a dissolution having taken place soon after, the Tenth Parliament of Upper Canada met in the year One Thousand Eight Hundred and Twenty nine, (1829,) when a Bill for the sale of the Clergy Reserves and the application of the proceeds to Educational purposes passed through the various stages in the House of Assembly without a division, but was again rejected by the Legislative Council : †

6. That, in the year One Thousand Eight and Thirty,—(1830,) during the Second Session of the Tenth Parliament,—another Bill, containing similar provisions to the former ones was passed by the House of Assembly without a division, and was rejected by the Legislative Council :

7. That a dissolution of the House of Assembly having taken place, a new Parliament met in the year One Thousand Eight Hundred and Thirty-one, (1831,) when Resolutions expressing the same views were adopted by a large majority in the House of Assembly, an amendment proposed by the Solicitor General, (Mr. Christopher A. Hagerman,) having been rejected on a division of 29 to 8 :

8. That, in the year One Thousand Eight Hundred and Thirty-two, (1832,) during the Second Session of the Eleventh Parliament of Upper Canada, an Address to the Crown, praying for the application of the Clergy Reserves to Educational purposes was carried by a large majority in the House of Assembly :

9. That, after the passage of the Address last referred to, a Message was sent down to the House by Lieutenant Governor, Sir John Colborne, in which His Excellency stated that he had His Majesty's Commands to make a communication to the House of Assembly in reference to the Lands set apart for the "Support and Maintenance of a Protestant Clergy" ; that His Excel-

* I have omitted those portions of various Resolutions on the Clergy Reserve Question relating to the question of "Church and State" and have only inserted the concluding one, as given above.

† This question of the rejection by the Legislative Council of Bills passed by the House of Assembly is fully explained and discussed on pages 204-206 of the Second Volume of this Documentary History. See also pages 337, 338 of the same Volume.

lency informed the House that the representations made to His Majesty, and to His Royal Predecessors, of prejudice sustained by His faithful Subjects in this Province from the appropriation of the Clergy Reserves, had engaged His Majesty's most attentive consideration ; that His Majesty had considered with no less anxiety how far such an appropriation of territory is conducive either to the temporal welfare of the Ministers of Religion in this Province, or to their spiritual influence ; and that His Majesty invited the House of Assembly of Upper Canada to consider how the power given to the Provincial Legislature by the Constitutional Act of 1791, to "vary, or repeal," this part of its provisions can be called into exercise most advantageously for the spiritual and temporal interests of his Majesty's faithful Subjects in this Province :

10. That, after the reception of the above Message, a Bill to re-invest the Clergy Reserves in the Crown, discharged of all trusts whatsoever, was introduced and read a second time in the House of Assembly, by a vote, on a division, of 29 to 7 :

11. That, in the year One Thousand Eight Hundred and Thirty-three, (1833,) during the Third Session of the Eleventh Parliament, a Bill, having similar provisions with that formerly adopted by the same House, was read a second time by a vote, on a division of 26 to 2 :

12. That in the year One Thousand Eight Hundred and Thirty-four, (1834,) during the Fourth Session of the Eleventh Parliament of Upper Canada, a Bill of a similar character was passed through its several stages in the House of Assembly by considerable majorities, though opposed by the whole weight of the Government, but was rejected by the Legislative Council.*

13. That in the year One Thousand Eight Hundred and Thirty-five, (1835,) during the First Session of the Twelfth Parliament of Upper Canada, a Bill for the sale of the Clergy Reserves and the application of the proceeds to Educational purposes was passed by a majority in the House of Assembly of 40 to 4, but was rejected by the Legislative Council :

14. That, during the same Session of Parliament, Resolutions were sent down to the House of Assembly by the Legislative Council, in which the opinion was expressed that, as the Legislature of the Province had been unable to concur in any Measure respecting the Clergy Reserves, it was expedient to address His Majesty and both Houses of the Imperial Parliament requesting that Parliament to legislate on the subject :

15. That the House of Assembly, by a majority of 24 to 12, resolved :—

(1) That this House has heretofore repeatedly passed Bills, providing for the sale of the Clergy Reserves, and the appropriation of the monies arising therefrom to the support of Education, which Bills have been rejected, without amendment, by the Legislative Council : That, with the same view, this House have repeatedly made known, by humble and dutiful Addresses to His Majesty, their wishes and opinions, and the wishes and opinions of His Majesty's faithful Subjects in this Province on this highly important subject, and this House takes this opportunity of declaring that these wishes and opinions, both on the part of this House and of their constituents remain entirely unchanged :

(2) That, during the Second Session of the last Parliament, His Excellency, the Lieutenant-Governor, by Message, informed the House that he had received His Majesty's instructions to declare that the representations which had at different times been made to His Majesty and His Royal Predecessors of the prejudice sustained by His Majesty's faithful Subjects in this Province from the appropriation of the Clergy Reserves, had engaged His Majesty's most attentive consideration, and His Majesty had most graciously been pleased to invite the House of Assembly to consider how the powers given to the Provincial Legislature by the Constitutional Act of 1791, to "vary, or repeal," the provisions which it contains, for the allotment and appropriation of the Clergy Reserves, would be most advantageously exercised for the spiritual and temporal interests of His faithful Subjects in this Province :

(3) That this House, in compliance with His Majesty's wishes, thus graciously expressed, and with the strong and well-known desires of His Majesty's faithful Subjects in this Province, has passed a Bill during the present Session of Parliament to provide for the sale of the Clergy Reserves, and to apply the money arising from such sales to the support of Education.

(4) That the said Legislative Council has not passed the said Bill,—has not amended it, and has not passed "any other Bill on the subject."

16. That, in the year One Thousand Eight Hundred and Thirty-six, (1836,) during the Second Session of the Twelfth Parliament of Upper Canada, a Bill, relating to the Clergy Reserves, and embodying similar principles to those repeatedly passed by the House of Assembly, was again introduced, and was carried on a division by a majority of 35 to 5 : That the said Bill was amended in the Legislative Council by expunging all the enacting clauses, and substituting provisions for investing the Reserves in the Crown, to be applied for the maintenance of Public Worship and the support of Religion : That the House of Assembly adopted, by a majority of 27 to 1, certain amendments to this amended Bill sent down by the Legislative Council, affirming the principles of their original Bill of that year :

* See note in regard to the rejection by the Legislative Council of Measures passed by the House of Assembly on page 4 of this Volume.

17. That, during the same Session, a Despatch from Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, to Lieutenant Governor, Sir Francis B. Head, was communicated to the House, in which His Lordship treated the question as one to be settled by the Provincial Legislature itself, and declined to interfere with the deliberations of the Legislature by offering any suggestions of his own on the subject:

18. That the Twelfth Parliament of Upper Canada, having been dissolved by Sir Francis Head, a general election was held at a period of great excitement, and the question of the disposal of the Clergy Reserves appears to have been lost sight of during the political struggle which ensued: That, during the first three Sessions of the Thirteenth Parliament of Upper Canada, (1837 38,) various efforts were made to settle the question, but without any satisfactory result: That, at length, in the course of the Third Session of the Thirteenth Parliament, a Bill, which had passed the Legislative Council, providing for the reinvestment of the said Reserves in the Imperial Parliament, was concurred in by the House of Assembly by a majority of 22 to 21:

19. That in the year One Thousand Eight Hundred and Thirty-nine, (1839,) during the fifth and last Session of the last Parliament of Upper Canada, a Message was sent down to the House from the Governor General, the Right Honourable Charles Poulett Thomson, by which the House was informed that the Bill passed during the previous Session of the Upper Canada Parliament had not received the Royal Assent, there being an insuperable objection to it on a point of form: That His Excellency stated, moreover that, in the opinion of His Majesty's Government, the Provincial Legislature would bring to the decision of the question an extent of accurate information as to the wants and general opinions of society in this Country in which the Imperial Parliament is unavoidably deficient:

20. That another attempt at settlement of the Clergy Reserve question was made during the last Session of the Parliament of Upper Canada in 1839, when a Bill passed both Houses, providing for the sale and disposal of the Clergy Reserves, which Bill, having been reserved for the Royal Assent, was not assented to by Her Majesty:

NOTE. The House divided upon each of the foregoing paragraphs with varying results. (A further series of Resolutions in regard to the Clergy Reserves, so far as it related to the "Church and State" aspect of the question was proposed, but it is not necessary to insert them here.)

Pursuant to the Orders of the Day, the following Petitions were read:

(1), of the Conference of the New Connexion Church; (2), the Churches composing the Baptist Grand River Association; (3), of a Public Meeting in the Township of Dumfries: 4), of the Municipality of the Township of Warwick; and (5), of Inhabitants of the Township of Eramosa, praying that the proceeds of the Clergy Reserves be applied to the purposes of General Education; also (6), of Mr. W. R. Abbott and others, Coloured inhabitants of the City of Toronto, praying that the Common School Bill now before the House may be amended by striking out the words "Coloured people" from the Nineteenth Section thereof.

June 26th, 1850. The Order of the Day for the second reading of the Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada, being read; The Bill was accordingly read a second time; and committed to a Committee of the Whole House, for Friday next.

June 28th, 1850. Pursuant to the Order of the Day, the following Petitions were read: Of Mr. John Anderson and others, Coloured inhabitants of the Town of St Catharines; and of Mr. Edward Crump and others, Coloured inhabitants of the City of Hamilton, praying that the word "Coloured" may be struck out of the Nineteenth Section of the Common School Bill, now before the House.

Ordered, That the Honourable Francis Hincks have leave to bring in a Bill for the Better Establishment and Maintenance of Grammar Schools in Upper Canada. He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.*

July 1st, 1850. Pursuant to the Order of the Day, a Petition from each of the Townships of East Gwillimbury and Blenheim was read, praying that the proceeds of the Clergy Reserve lands be devoted to General Education.

On motion of the Honourable Henry Sherwood, seconded by the Honourable William B. Robinson, it was:

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to direct the proper Officer to lay before this House, a detailed Statement of the amount expended towards defraying the expenses of the "Commission of Inquiry into the affairs of the University of King's College", appointed under a Statute of the said

* For remarks by various Members of the House of Assembly in regard to this Bill, see pages 7-9 and 11-16 of this Chapter.

University ; and also, a Statement of the progress which has been made, under such Commission, up to the present time.*

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Ordered, That Mr. Benjamin Holmes have leave to bring in a Bill to incorporate the Elgin Association for the Settlement and Educational and Moral Improvement of the Coloured population of Canada. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time, on Wednesday, the Tenth instant.

The Order of the Day for the House in Committee on the Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada, being read ;

The House accordingly resolved itself into the said Committee. Mr. Wolfred Nelson took the chair of the Committee. The Honourable Francis Hincks, who had charge of the Bill, stated that it was not intended to make any change in the System upon which the Schools in Upper Canada had been conducted for several years, but merely to make some practical change in the working of that System, and of the Schools. He had taken a good deal of pains to ascertain the views of several persons intimately connected with the working of the present System,†—all of whom entirely disapproved of it as it now was, [under the Cameron Act of 1849,] so that the present Bill, [drafted by the Chief Superintendent of Education,] was introduced to remedy the defects and evils in the practical working of the present System of the Schools.

Mr. Speaker having resumed the Chair ; Mr. Wolfred Nelson reported, that the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again to-morrow.

July 3rd, 1850. Pursuant to the Order of the Day, the following Petitions were read : — (1), Of the Municipality of the Township of Osgoode, praying that the existing Common School Act (of 1849) may remain in operation, and that the Bill now before the House relating thereto be suspended during the present Session ; (2), of the Municipal Council of the County of Peterborough, praying for the abolition of the Rectories and that the Clergy Reserves be sold and the funds therefrom accruing be appropriated to purposes of General Education.

July 3rd, 1850. The Order of the Day for the House in Committee on the Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada being read, the House according resolved itself into the said Committee. Mr Wolfred Nelson took the chair of the Committee.

The following is the first of the discussions which took place, in regard to the salaries of the Chief Superintendent of Education for Upper Canada, and those of his Assistants. See also the second discussion on the subject, which took place on the 9th of July, pages 14 and 15.

On the Thirty-fourth Section of the School Bill in regard to the Salary of the Chief Superintendent of Education coming up the Honourable Francis Hincks moved that the first blank should be filled up with "Five Hundred Pounds," (£500.) He thought that it was little enough, considering the duties of the Chief Superintendent, and the heavy travelling expenses he was obliged to incur.

Mr. Joseph Cauchon thought that it was but fair that the salaries of the Superintendents of Education in Upper and Lower Canada should be the same.

The Honourable Louis H. Lafontaine said that the salary of the Superintendent of Education in Lower Canada was raised by the late Administration to Five Hundred Pounds, (£500,) per year, and, in 1847, they proposed to raise it to Six Hundred Pounds, (£600,) He was opposed to that increase ; but he was of opinion that Five Hundred Pounds, (£500,) was not too much. Whether these were days of "retrenchment," or not, he would assert that every Public Officer ought to be paid in proportion to the service expected from him.

The Honourable John Hillyard Cameron was prepared to concur in retrenching all unnecessary expenses ; but he was not prepared to pare down one man's salary, instead of bringing in a general measure on the subject.

Mr. Hincks said that he did not believe there was any general desire to place the Chief Superintendent of Upper Canada on a worse footing than the same Officer in Lower Canada. Now he was prepared with a proposition to reduce the salary of the Lower Canada Superintendent ; and he thought it but justice to put both on the same footing. At the same time he thought it but justice to the Upper Canada Superintendent to say that, although he had received a very valuable assistance

* For a copy of this Commission, see pages 236, 237 of the Seventh Volume of this Documentary History.

† The views and opinions of the parties to whom Mr. Hincks here refers are, as condensed and abbreviated, given in Chapter III. of this Volume, pages 54-71.

from that Officer in framing the Bill, yet he had never received a single communication from him on the subject of Salary.

Mr. Joseph C. Morrison said that honourable gentlemen, who knew anything about the duties of the Chief Superintendent's office, and the heavy travelling expenses caused by his numerous visits, could not believe that Five Hundred Pounds, (£500,) per year was too much for the salary of that Officer. That sum was considered a fair remuneration for the Chief Superintendent of Lower Canada, where there were only eighteen Hundred (1,800) Schools, while in Upper Canada there were one thousand more, (2,800), and the duties were consequently far heavier: But this fact was lost sight of altogether by honourable gentlemen who contended for a reduction. It was customary for many of them, who knew nothing whatever about this subject, to sit perfectly silent when a School Bill was introduced; but the moment they came to the consideration of details to raise cavils at every clause. . . .

Mr. Solicitor General John S. Macdonald could not conceive that Five Hundred Pounds, (£500,) was too much for the Chief Superintendent; if a local, or County, Superintendent were to receive nearly Two Hundred Pounds, (£200,) The first named Officer has very arduous duties to perform, and was subject to great expense in performing them.

Mr. David M. Armstrong was prepared to vote for Five Hundred Pounds, (£500,) in order that no invidious distinctions should be made between Upper and Lower Canada in this matter of Salary

Mr. Dunbar Ross hoped that the House would not give way so far to a surreptitious cry of retrenchment, as to deprive a worthy Officer of the salary justly due to him for his services. The duty of the House was to do justice to every man, without regard to any momentary clamour.

Mr. George E. Cartier thought it would be a gross injustice to the Gentleman who now filled the highly important office of Chief Superintendent of Education in Upper Canada, to give him a smaller amount of remuneration than his talents and zeal in the performance of his duties fairly entitled him to.

Mr. Hincks wished to state that the Act passed while the late Administration was in office, fixed £500 as the maximum of the salary of the Chief Superintendent, since that time the population has increased rapidly, as the Census would show, and the duties of his office had increased in a corresponding degree. He wished that honourable gentlemen would divest themselves of all personal, or political, feeling on this subject, as he had done. No person ought to permit himself to be actuated by any reflection as to the party who filled the situation, but resolve to do justice to the individual, who showed so much talent and ability in performing its duties.

Mr. Hincks amended his motion by striking out the words "Five Hundred Pounds" (£500,) and framing it in such a manner as to express the wish of the Committee of the House that the salaries of the Chief Superintendents of Upper and Lower Canada should be on the same footing. YEAS, 21,—NAYS, 5.

Mr. Hincks then moved that the second blank in the Section should be filled up. It was for the purpose of fixing the salaries of the two Clerks in the Education Office. He proposed that they should be put on the same footing as the Clerks of the Education Office in Lower Canada. . . .

Mr. James H. Price had heard it repeated over and over again that the Officers in the Public Departments were over-paid. The truth was that they were not over-paid, and that a man on One Hundred and Seventy-five pounds (£175,) a year could scarcely support a wife and family. A Clerk on such a small salary was sometimes placed in the greatest straits. He would advise the Committee not to proceed recklessly in cutting down all salaries, but to dismiss the drones, and pay the others well. They would then get their work done better and cheaper.

Mr. Hincks had been informed that it would be a very difficult matter to replace the Chief Clerk (Mr. Hodgins) in the Education Office. His duties could only be performed by a man of a great deal of talent and assiduity, and, if the salary were reduced too low, it would be impossible to get them performed properly. The scale of salaries proposed by some honourable Members would have the effect of driving every man of ability out of the public service. . . .

Mr. Louis T. Drummond, Solicitor General, hoped that they would never reach that point when all the talent of the Country was directed, as proposed by an honourable Member, to the working of machinery. He trusted that young men would aspire to take a share in the Government and Legislation of the Country, and that they will not devote their time to the manufacture of hammers and adzes—these things which an honourable Member thinks proper to exhibit here as of more importance than the government of the Country. He thought that to fulfil the office of first Clerk in the Educational Department of Upper Canada it would require as much capacity as to fulfil the office of a good Book keeper in a Manufacturing Establishment. He had known gentlemen in that capacity in Montreal, with salaries up to Five Hundred pounds, (£500); and he thought to fill the Office of Chief Clerk in the Educational Department required more energy than to be a good Book-keeper. Mr. Hodgins, the Gentleman who fills this office at present, has acquired great knowledge of the affairs he has taken in hand. He went from this Country to Dublin, for the purpose of making himself master of the system of Education taught there, and after a year there, he came to this Country qualified to perform his duties in a manner in which no other person in this Country, except perhaps the Superintendent himself could perform them. And taking into consideration the fact that offices in other establishments, requiring less talent to fill, receive higher salaries he could not see why honourable Members should object to the sum mentioned in the Bill.

The motion was then put that the blanks in the section be filled up with the words—The salaries to be the same as those of offices are in Lower Canada, and was carried by a vote of 33 to 16.

Mr. Speaker having resumed the Chair ; Mr. Wolfred Nelson reported, that the Committee had made some progress and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Friday next.

July 4th, 1850. On motion of the Honourable Henry J. Boulton, seconded by Mr. Caleb Hopkins, it was

Resolved, That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will cause to be laid before this House, a Tabular Return of the names of the Medical Students who have regularly attended the Lectures on Anatomy, Physiology, Surgery, Medicine, Materia Medica, and Midwifery, in the University of King's College, Toronto, since the commencement of the Lectures to the present time, specifying also, how many of these branches each Student has regularly attended annually, and how many of such Students had matriculated in the said University.

Ordered, That the said Address be presented to His Excellency the Governor-General, by such Members of this House as are of the Honourable the Executive Council of this Province.

July 5th, 1850. Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill to remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College forming an Appendage thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time on Wednesday next.

NOTE.—The following is a copy of part of this Bill in Manuscript as originally drafted by the Honourable Robert Baldwin. His endorsement on the back of the Manuscript copy of the Bill, as he gave it to the Reverend Doctor Ryerson, states that it is a "Copy of Rough Draft, as proposed, but not yet settled. R. B."

It will be observed that the Preamble is much more explicit than the one prefixed to the Bill, as introduced into the House of Assembly.

An Act to declare groundless certain doubts respecting the intentions of the Act of last Session of the Parliament of this Province for Amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lecturerships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University.

WHEREAS, in the Preamble of the Act passed in the last Session of the Parliament of this Province, Chaptered Eighty-two and intituled : "An Act to Amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof," the promotion of the Religious and Moral Improvement, as well as the secular education of the people of this Province is expressly set forth as the object of its enactments, and, as a means of accomplishing such object in a community consisting of various Denominations of Christians, the necessity is asserted of having the said University entirely free in its Government and Discipline from all Denominational bias, so that the just rights and privileges of all might be fully maintaine without offence to the Religious Opinions of any.

AND WHEREAS the said enactment originated in a sincere desire for the advancement of true Religion and a tender regard for the conscientious scruples of all classes of professing Christians and not from any indifference to the importance of imparting Religious Knowledge in the education of youth ;

AND WHEREAS, notwithstanding the distinct avowal of the principles on which the said Act was based, doubts have been raised as to the Christian character of the said Institution and of the powers of the University by Statute, or otherwise, to make the necessary Regulations for insuring to its Members the opportunities of Religious Instruction and attendance upon Public Worship by their respective Ministers and according to their respective forms of Religious Faith ;

AND WHEREAS, for the satisfaction of all whose minds have been disturbed by such doubts, it is desirable to declare, and

It is hereby accordingly declared and enacted by the Queen's Most Excellent Majesty, etcetera, and by the authority of the same, that it hath been now is and at all times hereafter shall continue to be fully competent to, and for, the said University, by Statute, either Visitatorial, or Senatatorial, to

be passed for that purpose, to make any Regulations that may be deemed expedient for the Religious Instruction and attendance upon Public Worship of the undergraduates, and students, attending Lectures, in the said University, by their respective Ministers, and according to their respective forms of Religious Faith, provided that no part of the funds of the Institution be expended for that purpose, but that it be left to the Authorities of each Denomination of Christians to provide for the Religious Instruction of its own adherents attending the said University, or Members thereof.

2. *And be it enacted*, That it shall at all times be lawful for the Caput of the University, in reporting upon the testimonials of candidates for any vacant professorship, as directed by the Twenty-fourth Section of the said Act, to report also the names of any men of distinguished Literary, or Scientific, reputation whose accession to such Chair would, in their opinion, be an acquisition to the public character of the University, as a seat of learning, and who they may have ascertained, or have reason to believe, would accept such Chair, if offered to them, and, thereupon, the Senate of the said University, if they shall concur in that part of the Report of the said Caput shall report the names of such persons, or of those of them, with respect to whom they shall so concur with the Caput, to the Governor of the Province, with those of the three candidates required to be transmitted to him by the said Twenty-fourth Section of the said Act, and, in every such case, it shall, and may, be lawful for the Governor, if he shall deem it expedient so to do, to appoint any one of those persons to such Chair who may be willing to accept thereof, instead of appointing to the same any of the three candidates whose names shall have been so transmitted to him, as aforesaid, anything in the said Twenty-fourth Section of the said Act to the contrary thereof notwithstanding.

3. *And be it enacted* That it shall, and may, be lawful for Her Majesty, from time to time, by Letters Patent under the Great Seal of the Province, to institute, establish and endow such, and so many, Regius Professorships and Regius Lectureships in any of the Faculties of the said University, as She shall think fit, and, from time to time, by Letters Patent under the Great Seal of the Province, to appoint some fit and proper person to such Regius Professorship and Regius Lectureship respectively ; and, to every such Professorship and Lectureship, and the person, who shall fill the same, shall belong all and singular the like rights, powers, and privileges which shall be attached to, or vested in, the other Professorships and Lectureships, Professors and Lecturers of the said University respectively.

Provided always, Firstly, That no such Regius Professorship, or Lectureship, shall be so instituted without an endowment, either by charge on the public Provincial Revenue, or by invested capital in land, or other property, sufficient to secure to the holder thereof an income equal at least to that of the smallest salary assigned by Statute of the said University to any of the Chairs, or Lectureships, respectively, on the foundation thereof in the same Faculty to which such Regius Professorship, or Lectureship, may be attached ; and provided also; *Secondly*. That every such Regius Professorship and Lectureship, Regius Professor and Lecturer, shall be subject to all and singular the Statutes, Rules and Ordinances of the said University, as may other Professorship, Lectureship, Professor, or Lecturer, in the same; and provided also; *Thirdly*. That the appointments to all such Chairs and Lectureships shall be made by the Crown of its mere motion, and during its pleasure, without the necessity of any report from the Caput, or Senate, as provided with respect to the Chairs on the foundation of the said University.

4. *And be it enacted*, That it shall, and may, be lawful for Her Majesty, from time to time, by Letters Patent under the Great Seal of the Province, to institute, establish and endow such, and so many, Regius Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University as She shall think fit, and to prescribe, in such Letters Patent, all such Rules and Regulations, as She may think proper, for the conferring the same : all which Rules and Regulations the Authorities of the said University are hereby required to observe and give effect to, as in the said Letters Patent shall be directed.

5. *And be it enacted*, That it shall and may be lawful for any person, or persons, bodies politic, or corporate, whomsoever to found such, and so many, Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University as they may think proper, by providing a sufficient endowment in Land, or other Property, and conveying the same to the Chancellor, Masters and Scholars of the said University in trust for that purpose, and thereupon suing out Letters Patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid. In all which Letters Patent shall be set forth such Rules and Regulations, for the appointing to and conferring of such Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes, or other Rewards as the respective founders thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose. All which Rules and Regulations the Authorities of the said University are hereby required to observe and give effect to as in the said Letters Patent shall be directed. Provided always, nevertheless, that none of such Professorships upon private foundation shall entitle the holder of the Chairfor the time being to any seat in the Senate of the said University, or other share in the Government thereof, unless the same shall have been expressely conferred upon such Chair by a Statute of the said University Visitatorial, or Senatatorial, to be passed for that purpose.

The Order of the Day for the House in Committee on the Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada, being read ; The House accordingly resolved itself into the said Committee. Mr. Wolfred Nelson took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair ; and Mr. Nelson reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next.

July 8th, 1850. Pursuant to the Orders of the Day, the following Petitions were read :— (1), Of the Very Reverend John Carroll, Administrator of the Roman Catholic Diocese of Toronto, and others, Catholics of the City of Toronto ; and of the Very Reverend Angus Macdonell, Vicar General of all the Bishops comprising the Roman Catholic Ecclesiastical Province of Canada, and General Agent of the Catholic Clergy of Canada ; praying that the Nineteenth Section of the Common School Bill, now before the House, may be so amended, as to enable the Catholics of Canada West to establish Separate Schools, wherever they may deem it expedient ; (2), Of Mr. John Richardson and others, Coloured inhabitants of the Town of Niagara ; praying that the word "Coloured" be struck out of the Nineteenth Section of the Common School Bill now before the House ; (3), Of Mr. Peter Hume and others of Niagara, praying for the passing of an Act to incorporate the Elgin Association for the Educational and Moral Improvement of the Coloured population of Canada ; (4), Of the Municipality of the Township of Chatham, praying for the adoption of Legislative measures to discourage Negro Emigration into this Province, and that the Bill to incorporate the Elgin Association may not pass into law.

The Order of the Day for receiving the Report of the Committee of the whole House on the Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada, being read ; The Honourable Francis Hincks moved, seconded by Mr. Joseph C. Morrison, and the question being proposed, that the Report be now received ;

Mr. Henry Smith moved in amendment to the Question, seconded by Mr. Alexander McLean, that all the words after 'That" to the end of the Question be left out, in order to add the words : "the said Bill be now re-committed to a Committee of the whole House, for the purpose a amending the same, by inserting the words : "by way of Rate Bill to be assessed upon the parents of the children in such School Section," after the word "Rate" in the ninth line of the seventh paragraph of the Twelfth Section. And the Question being put on the Amendment, the House divided ; and the names being called for, they were taken down, and the vote was as follows : YEAS, 10 ; NAYS, 22. So it passed in the negative.

A good deal of further discussion ensued on the 12th Section, the 16th subdivision which says, "That it shall be the duty of the Trustees of each School Section, to be personally responsible for the fulfilment of any contract or agreement made by them, unless they can prove that they have exerted all the corporate powers vested in them by this Act for the fulfilment of such contract, or agreement."

The Honourable Francis Hincks said it was found necessary to make the Trustees personally liable to carry out the law, because in many places it had been held that these Trustees are not responsible for any neglect in the performance of their duties.

Mr. John Wilson said if the honourable Gentleman opposed to this Section would look at the question in a practical light, he would not press a division of the House upon it. All the Trustees were required to do was to carry out the corporation functions of the Act. The Act was to give the Teacher a remedy against the Trustees, if they refused to pay his salary. He was of opinion that it would be a vast deal more injurious to make the Trustees not personally liable.

Mr. John S. Macdonald, Solicitor-General, had seen more injury result to Teachers than to Trustees from the present practice, and was convinced of the necessity of making strict laws for the protection of these honest men. The Teacher was sometimes engaged for the year and does not get his pay until he has served his time, sometimes it happens that by the end of his term a new set of Trustees has been appointed who do not consider themselves bound for the acts of their predecessors, and thus the poor man is compelled to wait from day to day to get his small pittance, and is obliged sometimes to get a mandamus before he can effect it. The clause has been inserted there with a view to protect this class of people from any imposition which might be practiced upon them by parties. He would have agreed to it in first view but, as his Honourable friend, Mr. Sherwood, had proposed to alter it, to meet the views of Honourable Members he was satisfied with it.

Mr. Hincks alluded to the fact that in many cases Teachers had been unable to get their money in consequence of this want of responsibility on the part of the Trustees. The clause says simply that they shall exercise all the corporate powers vested in them, etcetera. An honourable gentleman talks about the office being forced upon School Trustees. There were many such offices. It was, however, necessary that they should take upon them this duty, and having accepted of it, if they were at liberty to do as they thought proper, it would not be for the interests of society. It would be practically impossible for any poor Teacher to come to the Attorney General for a mandamus for any money they had agreed to pay.

The Honourable Henry Sherwood suggested that it might read : "The trustees shall exercise all the powers vested in them by this Act for the fulfilment of any contract or agreement made therein, and, in case any of the trustees shall wilfully refuse to exercise these powers vested in him, he shall be personally responsible."

This having met the wishes of honourable Members, was unanimously agreed to.

And the Question being again proposed, that the Report be now received ; Mr. William B. Richards moved in amendment to the Question, seconded by Mr. Benjamin Seymour, that all the words after "that" to the end of the Question be left out, in order to add the words : "the said Bill be now recommitted to a Committee of the whole House, for the purpose of amending

the same, by adding the words : "Provided always, that at least two-thirds of the freeholders and householders of such School Section then present must concur to any proposition for establishing a Free School, or building a new School House in such Section," at the end of the Fourth paragraph of the Sixth Section ;

Mr. Richards, in moving this amendment, said, that the concurrence of the ratepayers to the contemplated expenditure was what he proposed. He held that the Bill itself was too complex, too much opposed in every way to public opinion to be successfully carried out. There were not two constituencies in the Province by whom it would be understood, or who would appoint Superintendents that could explain it to the Trustees.

Mr. Hincks regretted that the Bill had given so little satisfaction to the honourable Member for Leeds. He could only say, that he had given the subject the utmost attention during the recess, and had received the advice and assistance of those parties who must necessarily understand the practical working of a School Bill far better than the honourable Member for Leeds, or any other Member in the House, possibly could. If there were any legal errors in the mode of drawing it up, he could only say, that there were upwards of forty lawyers in the House, and he had received the assistance of several of them. With respect to the amendment now before the House, he could only record his vote against it, as he was firmly convinced that it would prevent the Bill from ever working satisfactorily.

The Question, having been put on the Amendment! the House divided ; and the names being called for, they were taken down,—the vote being :—YEAS, 11 ; NAYS, 23. So it passed in the negative.

The Tenth Section was amended, on motion of the Honourable J. Hillyard Cameron, by the words: "freeholders and landholders" being substituted for "resident householders."

The Honourable Henry J. Boulton was strongly opposed to the power being thus given by the Bill to tax non-residents and people who could not take advantage of the Schools, to pay for other people's children. He contended that the principle was unprecedented.

Mr. Hincks replied to him by reading from the School Act of Massachusetts, which conferred this power to School Trustees. He also informed the honourable gentleman, that, in Scotland and in the State of New York, a similar principle was carried out. The Section, as amended was then carried. The Section was also amended so as to empower non-resident freeholders of property to vote in the election of School Trustees.

And the Question being again proposed, that the Report be now received : Mr. William B. Richards moved in amendment to the Question, seconded by Mr. Jacob De Witt, that all the words after "That," to the end of the Question be left out, in order to add the words : "the said Bill be now recommitted to a Committee of the whole House, with an Instruction to the Committee to amend the Eighteenth Section so as to authorize the Township Councils to appoint, annually, a Superintendent of Schools for their respective Townships."

Mr. Hincks said that the amendment was to destroy the whole principle of the Bill, so far as it related to the appointment of Township, instead of County, Superintendents of Schools. The honourable Gentlemen is asked to make it compulsory on Township Councils to appoint Township Superintendents ; whereas he proposed to leave that question to be decided entirely by the County Councils, which were best able to judge whether more than one School Superintendent was required in a County, or not.

And the Question being put on the Amendment ; the House divided:—And it passed in the negative.

And the Question being again proposed, that the Report be now received ; Mr. William B. Richards moved in amendment to the Question, seconded by Mr. Jacob De Witt, that all the words after "That," to the end of the Question be left out, in order to add the words : "the said Bill be now recommitted to a Committee of the whole House, for the purpose of amending the same, so as to permit the several Township Councils to appoint local Superintendents of Common Schools within their several localities, where the County Council shall fail to appoint a Local Superintendent of Schools for the whole County ;

And the Question being put on the Amendment, the House divided :—And it passed in the negative.

And the Question being again proposed, That the Report be now received ; Mr. William B. Richards moved in amendment to the Question, seconded by Mr. Jacob De Witt, That all the words after "That," to the end of the Question be left out, in order to add the words : "the said Bill be now recommitted to a Committee of the whole House, with an Instruction to the Committee further to amend the same, so that the remuneration of the Local Superintendent of Schools, intended under the Thirtieth Section, be such as the Municipal Body, by which he is appointed, shall allow for his services ;"

Mr. Richards, in moving this amendment, said that the people in the Country were not prepared to pay Two or Three Hundred pounds in each County, besides their other taxes for the salaries of these Officers, who made their School Visits a winter pleasure-trip ; stopping their Horse for a few minutes at a School Room Door, and just asking as many questions of the Teacher as would suffice to give

them a general knowledge of the state of affairs. The Councils were the best judges of the remuneration which these Officers ought to receive.

Mr. Hincks would almost be inclined to suppose, from the observations of the honourable gentleman, that it was altogether a new principle to fix the salaries of Officers of this class; and that there was going to be, in consequence, a tremendous increase in taxation. No objection was ever made to Government fixing the salaries of Peace Officers and Magistrates. In the honourable Member's own County, there were at this moment two hundred and six Schools, and the local Superintendent receives One Hundred and Fifty pounds, (£150,) a year for visiting them. The honourable gentleman said it was a mere "pleasure-trip," and intimated that the office was of no public benefit. Now, that was precisely what this Bill was intended to guard against. Each local Superintendent was to visit the Schools under his supervision four times a year, and he was bound to deliver a Lecture in each School Section once a year. Only one hundred Schools were to be placed under his charge, and, for each visit to a School he was to receive five shillings. The strict supervision of a man of ability and learning would thus be obtained, and for that improvement, he was convinced that the people would not object to pay the trifling advance on the present salary of Township Superintendents.

Mr. John Prince said the sum fixed by the Inspector-General was not too much for the salary of a local Superintendent of the Schools. He was confident that the people would not grumble at it. . .

The Honourable Henry Sherwood was of the opinion that the correct principle was to pay Public Officers in proportion to their services; he was also of opinion that the same power which appointed a Public Officer, ought also to fix his salary. The appointments of local Superintendents of Schools by the County Council was a case in point. It would be far better to leave the remuneration of their Officers to the Councils which appointed them, and which must necessarily be far better acquainted with the nature of their services, and the amount of salary which would properly recompense them, than this House could possibly be. It would be far better to leave that power in their hands, than for the House to fix an arbitrary sum, without any reference to localities. That this power could be safely left in the hands of the Councils there could be no manner of doubt, as they had largely shown a desire of spreading education throughout the length and breadth of the land; but, if the right of remunerating their own officers was not left with them, it might have a most prejudicial effect. . . He was of opinion that the party which appointed an Officer was the best judge of the remuneration he was entitled to, and therefore ought to have the right of fixing it. The precedent made use of by the Inspector General, did not argue against that opinion, as Peace Officers and Magistrates were appointed by the Crown, and the Crown, very properly, had the power of fixing their salaries.

And the Question being put on the amendment, the House divided; and the names being called for, they were taken down. The vote was as follows:—YEAS, 16; NAYS, 25. So it passed in the negative.

And the Question being again proposed, That the Report be now received; Mr. William B. Richards moved in amendment to the Question, seconded by Mr. James Smith, That all the words after "That" to the end of the Question be left out, in order to add the words: "The said Bill be now recommitted to a Committee of the Whole House, for the purpose of amending the Thirty-fourth Section of the same so as to fix the salaries of the Chief Superintendent of Schools for Upper Canada, at Four Hundred and Twenty pounds (£420,) per annum, of the first Clerk at One Hundred and Seventy-five pounds (£175) per annum, and of the second Clerk at Sixty pounds (£60) per annum;"

And a debate arising thereupon; Mr. William B. Richards moved, seconded by Mr. Robert Christie, and the Question being put, That the Debate be adjourned until to morrow; the House divided; and it was resolved in the affirmative.

July 9th, 1850. The Honourable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, a Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the first instant, praying His Excellency to cause to be laid before the House, a detailed Statement of the amount expended towards defraying the expenses of the "Commission of Enquiry into the affairs of the University of King's College," appointed under a Statute of the University, and also a statement of the progress which has been made under such Commission of Enquiry, up to the present time.

The Order of the Day being read, for resuming the adjourned Debate upon the amendment which was yesterday proposed to be made to the Question, That the Report [of the Committee of the Whole House, on the Bill for the better Establishment and Maintenance of Common Schools in Upper Canada], be now received;

And which Amendment was, That all the words after "That" to the end of the Question be left out, in order to add the words: "the said Bill be now recommitted to a Committee of the Whole House, for the purpose of amending the Thirty-fourth Section of the same, so as to fix the Salaries of the Chief Superintendent of Schools for Upper Canada, at Four Hundred and Twenty pounds, (£420,) per annum, of the first Clerk at One Hundred and Seventy-five (£175,) pounds, per annum, and of the second Clerk at Sixty pounds (£60), per annum;"

And the Question on the Amendment being again proposed:—The House resumed the said adjourned Debate.

The House again went into Committee of the Whole, and the adjourned debate on the Salary of the Chief Superintendent of Education of Upper Canada was resumed, on Mr. William B. Richards motion to reduce that Gentleman's salary from the proposed Five Hundred pounds (£500,) as proposed by Inspector General Hincks, to Four Hundred and Twenty pounds, (£420,). Messieurs W. B. Richards, James Smith, Henry Sherwood, George Sherwood, William Cayley, Henry J. Boulton, John Prince, William B. Robinson, William H. Boulton, William Badgley, Benjamin Holmes, John S. Macdonald, John A. Macdonald, Peter Perry, Caleb Hopkins and Robert Christie having spoken on the subject, for and against the eighty pounds increase of salary to the Chief Superintendent, the Honourable Inspector General Hincks thus defined the relations of the government to the Reverend Chief Superintendent of Education. He said :—

Relations of the Provincial Government in 1850 to the Reverend Doctor Ryerson.

The Member for Toronto, (Mr. William H. Boulton,) had charged the Administration with buying the support of the Chief Superintendent of Education with an increased salary. He had desired, in bringing forward this question, to make it as little a political question as possible. He thought that the great question of Education might be treated without reference to party differences. He thought it his duty, considering the position which the Reverend Superintendent of Education occupied towards the party, with whom he acted, to state his whole course of conduct towards that Gentleman since he had taken office.

It was well known to the House that the Reverend Gentleman was engaged, before accepting the Office, which he now held, in a very keen controversy with the Members of the present Ministry ; he had taken a course decidedly hostile to them. As a writer for the public press, at that time, he had himself engaged in that contest, though without personal feeling, as he trusted he had engaged in every contest of the kind ; but there was undoubtedly, on his own part, and on that of his Colleagues, a strong political feeling of dislike to the Reverend Gentleman, on account of the formidable opposition with which they had been met by him. He was appointed to the Office of Chief Superintendent, by the late Government, and he did not blame that Government for so appointing him ; for, if any one ever established strong claims upon a party, it was the Reverend Gentleman, by his defence of that Administration. The present Ministry again assumed the duties of the Government ; and, undoubtedly, there was a general feeling among their supporters, that one of the first measures expected of them was the getting rid of the Reverend Chief in some way, or other ; and, in that feeling most certainly he sympathised. He had found, however, by the bye, that those, who were most eager to recommend the Government to dismiss Officials, when they were put into similar situations, into the Municipal Councils, for instance, that they did not carry out those views, and that they did not turn out their opponents without a reason for it.

There were two, or three, ways of removing the Chief Superintendent ; One was, to make the Office a Political one ; but, after the best consideration being given to the question, it was not considered advisable to do that,* and the proposition to abolish the Office altogether, he was satisfied would have had the worst possible consequences on the educational interests of the country,—after observing, as he did, the benefits of active superintendance of the Schools in New York and in our own Province. The only other mode, then, if these two were resisted was to remove the Incumbent altogether,—and then the question came up, whether he had acted in such a manner as to justify his dismissal. He had often asked this question of the persons who had urged his dismissal, and they had never given one good reason to support the affirmative.

He was not one of those who thought, that, because a person supported one Government, he was, therefore, incapable of serving faithfully those who succeeded them, and whom he had formerly opposed,—always supposing, of course, that his office was not a political one. He could not find that the Reverend Gentleman, since his appointment, had entered, in the slightest degree, into the field of politics, and, as he discharged his duties with great zeal and ability, they had no reason to interfere with him. Then, the point was : how were they to act toward him in his position, and his, (Mr. Hincks,) determination was to give him the most cordial support ; as a Member of the Government he considered it his duty to do so. He felt it his duty to give the same support to Officers who came oftener into contact with him, -the officials of the Custom House ; and he defied any one to say that any political opponent of his had received less cordial support in the discharge of the duties of his office than his friends had ; the efficiency of the service absolutely required that he should do so.

He had put himself in communication with the Reverend Gentleman in reference to this School Bill, and, as he, (Mr. Hincks), believed that Doctor Ryerson possessed a more complete knowledge of the School System than any other person, he thought that any Government would have done very wrong not to have availed themselves of that knowledge.

He deeply regretted the course which some gentlemen, with whom he generally acted, had taken on this matter of salary. They had heard a great deal of "subservient majority," but he had seen during this Session, and the last, that those Members who professed to support the Administration, were ready to turn round, and, on any trumpery detail, even of great measures, to make an excuse to oppose the Government.

It was totally opposed to the principle and practice of responsible party Government, and, if as a rule was carried into the Administration system, would make it altogether impracticable. If his honourable friend (James H Price), the Commissioner of Crown Lands, with whom he had often to consult on the preparation of this School Bill, had insisted upon this little point, or that, being so and so, the Bill could never have been introduced. In all political matters and parties, it was absolutely

*The Honourable Mr. Hincks here expressed his opinion as being against the substitution of a Minister of Education for a non-political Chief Superintendent.

necessary that persons should yield small points, on which they happened to differ, from those with whom they acted on the great ones.

The School Bill now before them had been pronounced a good one by all sides of the House; yet amendment after amendment had been moved of the most frivolous character; (and he must say,) nearly all from their own side of the House. They had been threatened by the Member for Durham, (James Smith), with being hurled from their places.

He, (Mr. Hincks) had witnessed before now changes in popular opinion, and could bide his time. If the Members of the House withdrew their support from the Administration, and announced it in a proper manner, he, for one, was ready to bow to their decision; but he would tell them, that if they succeeded in forming their "clear Grit" Government, they too must have the support of a party, and that they could not have that, if they were to insist on their own way on every trumpery point.

They had appointed a Finance Committee to enquire into the revenue and expenditure of the whole Province, and it would be their duty to inquire into the duties of both Superintendents of Schools, and ascertain the adequate remuneration. He knew perfectly well that there Members of the Finance Committee, who only desired to reduce the salaries of the Members on the Treasury Benches, and who were not desirous to go any further in the inquiry . . .

He might remark, that he had not found the Lawyers in the House very anxious to reduce the salaries of the Judges, but when it came to civilians, to the Superintendents of Education, then Five Hundred pounds (£500,) a year was far too much! Now, he considered the duties of that office as quite equal in importance, and requiring equal talents, to those of the highest office in the customs, and such Superintendents should not therefore be placed in an inferior position to such an Officer . . .

The Government earnestly desired that a searching enquiry should be made by the Finance Committee into the proceeding of every Department*; there were Members on it who would go a certain length, and would go no further, but he, (Mr. Hincks,) would go into it from the beginning to the very end.

Mr. William H. Boulton moved in amendment to the said proposed amendment of Mr. William B. Richards, seconded by Mr. John Scott, that the words: "Four Hundred and Twenty" be left out and the words: "Three Hundred" inserted instead thereof;

And the Question being put on the Amendment to the said proposed amendment, the House divided; and the names being called for, they were taken down, and the vote was as follows: YEAS, 6; NAYS, 60. So it passed in the negative.

And the Question on the Amendment to the Original Question being again proposed; Mr. James Smith moved in amendment to the said proposed Amendment, seconded by Mr. William Notman, that the words "and twenty" be left out;

And the Question being put, that those words be left out; the House divided: and the names being called for, they were taken down, the vote being as follows: YEAS, 17; NAYS, 48. So it passed in the negative †

And the main Question being again proposed, that the Report be now received;

Mr. James Smith moved in amendment to the Question, seconded by Mr. Thomas H. Johnson, that all the words after "that" to the end of the Question be left out, in order to add the words: "the Bill be recommitted to a Committee of the Whole House, for the purpose of further amending the same, by leaving out the words: "Provided always, that no portion of the Legislative School Grant shall be applied in aid of any School in which any Book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval" in the fifth paragraph of the Thirty-eighth Section, and the words, "or authorized," in the third paragraph of the Twenty-ninth Section."

And the Question being put on the amendment; the House divided: and the names being called for, they were taken down, the vote being as follows:—YEAS, 13; NAYS, 44. So it passed in the negative.

And the Question being again proposed, that the Report be now received;

Mr. James Smith moved in amendment to the Question, seconded by Mr. Thomas H. Johnson, that all the words after "that" to the end of the Question be left out, in order to add the words: "the said Bill be now recommitted to a Committee of the Whole House, for the purpose of leaving out the word "direct" in the fifth paragraph of the Thirty-fifth Section, and inserting the word "authorize," and adding the words "under the direction of the Local School Superintendent" at the end of the said Section;"

* An inquiry into the management of the Education Department by this Finance Committee was made. I append, in another Chapter of this Volume, the evidence on the subject which was laid before that Committee by the Chief Superintendent of Education.

† It is singular that the House devoted very much more time to a discussion as to whether the Salary of the Chief Superintendent should be £300, £400, £420, or £500, than it did to the consideration of, and discussion on, the whole of the rest of the Common School Bill of 1850.

And the Question being put on the Amendment, the House divided: and the names being called for, they were taken down, the vote being as follows:—YEAS, 20; NAYS, 36. So it passed in the negative.

And the Question being again proposed, that the Report be now received;

Mr. James Smith moved in amendment to the Question, seconded by Mr. Thomas H. Johnson, that all the words after "that" to the end of the Question be left out, in order to add the words: "the said Bill be recommitted to a Committee of the Whole House, for the purpose of leaving out the word: "three" and inserting the word: "five" instead thereof, in the Thirty-eighth Section, as necessary for a Quorum of the Council of Public Instruction:"

And the Question being put on the amendment; the House divided; the vote being:—YEAS, 14; NAYS, 25. So it passed in the negative.

Then the main Question being put; it was

Ordered, That the Report be now received.

Mr. Jacob De Witt, in the absence of Mr. Wolfred Nelson, reported the Bill accordingly; and the amendments were read, and agreed to.

And another Amendment was made to the Bill, by leaving out the words: "that it shall be the duty of the Municipal Council of any City, Town, Village, or Township," in the Nineteenth Section thereof, and inserting the words: "that it shall be the duty of the Municipal Council of any Township, and of the Board of Trustees of any City, Town, or incorporated Village," instead thereof.*

Ordered, That the Bill, with the amendments, be engrossed, and read the third time to-morrow.

July 11th, 1850. The following Petition was read:—Of Mr. John Caven, President, on behalf of the Dumfries Teachers' Association, representing (1), that much benefit will result from the establishment of Teachers' Institutes upon a proper basis; (2), that the Office of Chief Superintendent ought to be abolished and the duties thereof performed by the Provincial Secretary; and (3), that Provincial Certificates should not be confined to Students of the Normal School, only, and praying for legislation in the premises.

The Order of the Day for the third reading of the Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada being read, it was:

Ordered, That the Bill be read a third time to-morrow.

July 12th, 1850. An engrossed Bill for the Better Establishment and Maintenance of Common Schools in Upper Canada, was, according to Order, read the third time.

Resolved, That the Bill do now pass.

Ordered, That the Honourable Francis Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the Day for the second reading of the Bill to Remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College forming an Appendage thereof, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

Ordered, That the Return to an Address of the Legislative Assembly to His Excellency, the Governor General, on the subject of the expenses of the "Commission of Enquiry into the affairs of the University of King's College," laid before this House, on Tuesday, the Ninth instant, be printed for the use of the Members of this House.

The Order of the Day for the House in Committee on the Bill to Remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof, being read;

* I have omitted the report of the debate on this Nineteenth Section of the School Bill, relating to Separate Schools, as the subject has been fully discussed in current publications at the time, and in those of subsequent years, including the Book on the "Legislation and History of Separate Schools in Upper Canada,—1841 to 1876"—published by Doctor William Briggs in 1897.

The House accordingly resolved itself into the said Committee. Mr. François X. Méthot took the chair of the Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; And Mr. Méthot reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, to-morrow.

The Order of the Day for the second reading of the Bill for the Better Establishment and Maintenance of Grammar Schools in Upper Canada, being read ; The Bill was accordingly read a second time.

The Honourable Francis Hincks moved, seconded by the Honourable James H. Price, and the Question being proposed, That the Bill be committed to a Committee of the whole House for to-morrow ;

Mr. William B. Richards moved in amendment to the question, seconded by Mr. James Smith, That the word : "to-morrow" be left out, in order to add the words : "Tuesday next ;"

And the Question being put on the Amendment, it was resolved in the Affirmative. Then the main Question, as amended, being put ; and it was :

Ordered, That the Bill be commmitted to a Committee of the Whole House for Tuesday next.

July 18th, 1850. A Petition was read from Mr. William P. Newman and others, of the County of Kent, praying that the Common School Bill be so amended as to prevent the creation of Separate Schools for Coloured Children, unless desired by the Coloured people themselves.

July 19th, 1850. A Message was received from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery, as follows :—

Mr. Speaker,

The Legislative Council have passed the following Bill, without amendment, videlicet :—

A Bill, intituled : "An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada."

René E. Caron, Speaker.

Legislative Council, 18th July, 1850.

July 24th, 1850. The Honourable Mr. Attorney-General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, —Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the Fourth instant, praying His Excellency to cause to be laid before the House a Tabular Return of the names of the Medical Students who have regularly attended the Lectures on Anatomy, Physiology, Surgery, Medicine, Materia-Medica, and Midwifery, in the University of King's College, since the commencement of these Lectures to the present time ; specifying also how many of these branches each Student has regularly attended annually, and how many of such Students had matriculated in the said University.

A Message from His Excellency the Governor General by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod, was received, as follows :—

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honourable House in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Council Chamber : and being returned ;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's name, the Royal Assent to the following, among other, Public and Private Bills :—

An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada, 1850.

The Order of the Day for the House in Committee on the Bill to remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof, being read ; the House accordingly resolved itself into the said Committee. Mr. Jean B. Mongenais took the chair of the Committee ; and after some

time spent therein, Mr. Speaker resumed the Chair ; And Mr. Mongenais reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

July 25th, 1850. The Petition of the Honourable John B. Robinson Chief Justice of Upper Canada, and others, Clergy and Laity, Members of the United Church of England and Ireland, in the Province of Canada, was brought up by the Honourable John Hillyard Cameron and laid on the Table.

Ordered, That the said Petition be now read, and that the Rules of this House be suspended as regards the same And the said Petition was read, praying for the passing of an Act to incorporate the Petitioners under the name and style of "Trinity College."

Ordered, That the Honourable John Hillyard Cameron have leave to bring in a Bill to incorporate Trinity College. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time, on Monday next.*

July 26th, 1850. Mr. Jean B. Mongenais reported the Bill to remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for awarding the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College forming an Appendage thereof ; and the amendments were read, and agreed to

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable James Harvey Price ; and the question being proposed, that the Bill, with the Amendments, be engrossed, and read the third time to-morrow, the Honourable John Hillyard Cameron moved in amendment to the Question, seconded by Sir Allan N. Macnab, that all the words after "Bill" to the end of the Question be left out, in order to add the words : "be now recommitted for the purpose of leaving out all the words in the Preamble, after Whereas," and inserting the words:" "An Act was passed in the last Session of the Parliament of this Province Chapter Eighty-two, and intituled : "An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming and Appendage thereof ;" and Whereas doubts have been raised as to the powers of the said University, by statute, or otherwise, to make the necessary Regulations for insuring to its Members the opportunities of Religious Instruction and attendance upon Public Worship by their respective Ministers, and according to their respective forms of religious faith : and Whereas it is desirable that such doubts shall be removed ;"

This Amendment was lost on a division, by a Vote of 15 Yeas to 37 Nays.

On the Question of the Bill being read for the third time being again proposed, the Honourable Henry John Boulton moved in amendment, seconded by Mr. Caleb Hopkins, that all the words after "Bill" be left out, in order to add the words" :

"Be now recommitted to consider the expediency of leaving out the first Clause and inserting the following instead thereof :

"Be it enacted, for the better enabling every Student in the said University to receive Religious Instruction according to the Creed which he professes to hold, it shall be lawful for the said University, from time to time, as occasion may require, by Statute, or Statutes, either Visitorial, or Senatorial, to be framed and passed for that purpose, to assign a fit and convenient Site within the precincts of the grounds attached to the said University, wherein it shall be lawful for any Denomination of Christians, who shall think fit to apply to the University for such privilege, to erect, according to a plan to be approved of by the said University, a Chapel, Hall, or Lecture Rooms, for Divine Worship, or the delivery of Lectures in Divinity, according to the Creed of the parties so applying ; and also to endow any Professorship which such persons shall think fit to found for that purpose, either by grant of lands, or tenements, or of stocks, funds, public, or freehold, securities as they shall think proper to bestow in that behalf, and to grant and invest the same to, or in, the name of the Chancellor, Masters and Scholars of the said University, in trust for such endowment, anything in the statutes of mortmain to the contrary thereof in anywise notwithstanding :

"Provided, That no Lecturer, Reader, Professor, or other Person, appointed to officiate in any manner, in such Chapel, Hall, or Lecture Room, shall, by reason thereof, be regarded as a Member of the said University, nor entitled to any voice in the government thereof, but the same shall, nevertheless, be subject to such Rules and Regulations as the University shall think fit, by Statute, to prescribe, concerning the days and times when Religious Instruction shall be

* This Bill did not come up for a Second Reading during this Session of the House. It was, however, reintroduced during the following Session and passed.

given therein, and for securing that the same shall not interfere with the general discipline of the said University : Provided always, that no Student shall be compelled, by any Rule of the University, to attend any Theological Lecture, or Religious Instruction, but that all attendance thereat shall be purely voluntary, so far as the authority of the said University may be invoked to enforce it."

And the question being put on the Amendment, the House divided, and it passed in the negative. Then the main question being put, the House divided, and it was resolved in the affirmative.

Ordered, That the Bill, with the amendments, be engrossed and read a third time to-morrow.

July 27th, 1850. An engrossed Bill to remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof, was, according to Order, read the third time.

Resolved, That the Bill do now pass.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the Bill to the Legislative Council, and desire their concurrence.

July 29th, 1850. Ordered, That Mr. Solicitor General, John Sanfield Macdonald, have leave to bring in a Bill to provide for the payment of the sum of money therein mentioned, for the use of three additional Grammar Schools in the County of York, for the year 1849.

He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time on Wednesday next.

July 30th, 1850. The Order of the Day for the second reading of the Bill to incorporate the Elgin Association for the Settlement and Moral Improvement of the Coloured population of Canada being read. The Bill was accordingly read a second time ; and committed to a Committee of the whole House for Thursday next.

A Message was received from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery, as follows :—

MR. SPEAKER,

The Legislative Council has passed a Bill intituled : "An Act to authorize the Removal of the Site of Victoria College from Cobourg to Toronto,"

RENÉ E. CARON, Speaker.

LEGISLATIVE COUNCIL, 30 July, 1850.

This Bill having been read a first time.

On motion of Mr. Joseph C. Morrison, seconded by the Honourable Francis Hincks, it was

Ordered, That the said Bill be read a second time on Thursday next.

August 31st, 1850. The Standing Committee on Expiring Lands reported, that the Legislative Council had passed the Bill, intituled : "An Act to remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes, and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof," with several amendments; to which they desire the concurrence of this House :

Ordered, That the Amendments made by the Legislative Council to the Bill : intituled, "An Act to remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof," be now taken into consideration.

The House proceeded, accordingly, to take the said Amendments into consideration ; and the same were read, as follows :—

Press 2, *line* 29. Leave out from "contained" to "Members," in line 32, and insert "nine."

Press 2, *line* 38. Leave out from "business" to "and," in line 36.

Press 4, line 21. After "purpose" insert Clause (A.) as follows :—

"And be it enacted, that nothing in the three next preceding Sections of this Act contained shall affect, or be construed to affect, in any way, the Twelfth Section of the said recited Act, but that the provisions of the said three Sections shall, to all intents and purposes, whatsoever, be subject to, and limited by, the provisions of the said Twelfth Sections, as if the same had been inserted in this Act."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry back the Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their Amendments.

August 2nd, 1850. The following Petition was presented to the House and read :—

Of the Reverend John Ryerson, in behalf of the Board of Trustees and Visitors of Victoria College; praying for the passing of an Act to authorize the removal of the Site of the said College from Cobourg to Toronto.

To the Honourable the Legislative Assembly of Upper Canada:

The Memorial of the Board of Trustees and Visitors of Victoria College,

MOST RESPECTFULLY SHEWETH :

1. That Your Memorialists are of opinion that the objects and interests of Victoria College would be greatly promoted by the removal of the Site of the College from the Town of Cobourg to the City of Toronto.

2. That the Conference of the Wesleyan Methodist Church, under whose auspices and authority the said College has been established and sustained, has authorized and recommended an application to the Legislature for the removal of the Site of the said College to the City of Toronto.*

Your Memorialists, therefore, pray Your Honourable House to pass an Act authorizing the removal of the Site of Victoria College from the vicinity of the Town of Cobourg to the City of Toronto, and that all the provisions of the Act of (1841,) Fourth and Fifth Victoria, Chapter Thirty Seven, intituled : "An Act for the Incorporation of the Upper Canada Academy, under the name and style of Victoria College," may be in force and apply as fully to said College situated at, or near, the City of Toronto, as these provisions have heretofore applied, or do apply, to said College in the vicinity of the Town of Cobourg.

And Your Memorialists, as in duty bound, will ever pray.

Signed by order and in behalf of the Board of Trustees and Visitors of Victoria College, this Twenty fifth day of July, 1850.

TORONTO, 25th July, 1850. JOHN RYERSON, Chairman of the Board.

The Order of the day for the second reading of the Bill to provide for the payment of the sum of money therein mentioned, for the use of three additional Grammar Schools in the County of York, for the year 1849, being read; the Bill was accordingly read a second time; and ordered to be engrossed and read the third time to-morrow.

August 3rd, 1850. The Order of the Day for the House in Committee on the Bill for the Better Establishment and Maintenance of Grammar Schools in Upper Canada being read :

Ordered, That the said Order be discharged.

The following is a copy of this Bill, as prepared, (and afterwards revised, in 1853,) by the Reverend Doctor Ryerson, Chief Superintendent of Education, and introduced into the House of Assembly by the Honourable Francis Hincks: This Bill was withdrawn for various reasons in 1850, but it was reintroduced into the House of Assembly in 1853, and it was passed into a Law in June of that year.

* The Conference, in its Pastoral Address to the Members of the Wesleyrn Methodist Church, thus refers to its assent to the removal of Victoria College from Cobourg to Toronto :—

After anxious and mature deliberation, we have contingently decided upon the transfer of our Educational Establishment to Toronto. Important reasons have influenced us in arriving at this conclusion. Through other mediums, and at the earliest period, you will be duly informed of them, when, we doubt not, you will fully perceive the necessity of the contemplated transfer, and join heartily with us in promoting a movement, which cannot fail to advance the best interests of Victoria College.

Draft of An Act for the Better Establishment and Maintenance of Grammar Schools in Upper Canada.

Whereas it is expedient to make further provision for the Better Establishment and maintenance of Grammar Schools in the several Counties and Cities in Upper Canada. *Be it therefore enacted*, etcetera. Preamble.

That all moneys arising from the sale of lands set apart, or which may hereafter be set apart for the encouragement of Grammar Schools in Upper Canada, and which shall not have been specially granted to, or vested in, or for the benefit of, any particular College, Grammar School, or other Seminary, or place of Education, or otherwise departed with by the Crown, and all other moneys which have been, or may hereafter be granted by Parliament, or which may be or become otherwise available from any other sources for that purpose, shall form a fund, to be called "The Upper Canada Grammar School Fund," and shall be invested in Government, or other, securities, by the direction of the Governor-in-Council, and the annual income thereof, after the deduction therefrom, of certain sums of money otherwise specially appropriated by this Act, shall be annually apportioned to the several Cities, Counties and Unions of Counties in Upper Canada by the Chief Superintendent of Schools, according to the ratio of population in each City, County, and Union of Counties, as compared with the population of Upper Canada; or, if he shall think it expedient, in case of a defective Census, he shall, with the approbation of the Governor-in-Council, apportion such moneys, according to the best evidence which he can obtain of the relative proportions of such population, having respect to an equitable apportionment thereof, according to the said ratio of population. Provided always, that no larger sum shall be paid from the said annual income for the support of any such County Grammar School in any City, County, or Union of Counties, during any one year, than shall be raised for the same purpose in such City, County, or Union of Counties, either by local assessment, subscription, or otherwise, over and above all expenses of collection and exclusive of all fees of tuition. Provided also, nevertheless, that the Grammar Schools in the Cities, shall be entitled to the sums from the Upper Canada Grammar School Fund, which they have heretofore received respectively, upon the compliance of such Cities with the conditions prescribed in this Act.

Grammar School Fund how constituted.

Invested in Public securities.

Apportioned according to population.

An equal sum to be raised from local sources.

Proviso: respecting Grammar Schools in Cities.

II. *And be it enacted*, That one-half of the sum, or sums, to be annually raised by local assessment, or subscription, in support of any County Grammar School, shall be levied and collected within the limits of the Town, or Incorporated Village, or Township, where such Grammar School shall be situated, and the other half of such sum, or sums, shall be collected in the other parts of the County embracing such Town, Incorporated Village, or Township.

Local assessment levied and collected.

III. *And be it enacted*, That it may and shall be lawful for the Municipal Council of each County, or City, from time to time, to levy and collect by assessment, such sum, or sums, as it shall judge expedient to purchase the Site, or Sites of, to rent, build, repair, furnish, warm, and keep in order, a Grammar School House, or Grammar School Houses, and its, or their, appendages, grounds and enclosures, for procuring Apparatus and Text-books, for providing the salary of the Teacher, or Teachers, and all other necessary expenses of such County Grammar School, or Schools.

County or City Council to levy assessments for Grammar School Houses, etcetera.

IV. *And be it enacted*, That the Chief Superintendent of Schools for Upper Canada shall, on, or before, the first day of May in each year, notify each City and County Council, through the Clerk of the Council, of the annual apportionment of Grammar School moneys to such County; shall give notice of the same to the Inspector General; and such moneys shall be payable to the Treasurer, or Chamberlain of each County and City entitled to receive it, on, or before, the first day of July in each year, in such manner as may be determined by the Governor General: Provided always, that the sum, or sums, raised by local assessment, or subscriptions, for the support of Grammar Schools, shall be payable in each year on, or before, the Twenty-fourth day of December.

Grammar School Fund to be annually apportioned on, or before the 1st day of May.

Payable the 1st day of July.

Proviso: local assessment payable the 24th day of December.

V. *And be it enacted*, That the sum, or sums, of money annually apportioned to each City and County, as provided in the first Section of this Act, and at least an equal sum, or sums, raised annually in such County, shall form the County Grammar School Fund for each County, or City, in Upper Canada, and shall be expended in the payment of the Salaries of Teachers, and for no other purpose, as hereinafter provided by this Act.

County Grammar School Fund, to be wholly applied in payment of Teachers' Salaries.

VI. *And be it enacted*, That, in each County Grammar School, provision shall be made for giving instruction, by Teachers of competent ability and good morals, in all the higher branches of a practical English and Commercial Education; and also in the Latin and Greek Languages, so far as to prepare students for the University, according to a Programme of Studies and general Rules and Regulations, which shall be prescribed by the Council of Public Instruction for Upper Canada.

Subjects to be taught in each Grammar School

Council of Public Instruction to select Text Books, prescribe programme of studies, and general rules and regulations.

VII. *And be it enacted*, That the Council of Public Instruction for Upper Canada, (of which the Principal of the Royal Grammar School of Upper Canada College shall be a Member for the purposes of this Act,) shall prepare and prescribe a list of Text-books, Programme of Studies, and General Rules and Regulations for the Organization and Government of the County Grammar Schools; and to appoint, from time to time, and fix the remuneration of a Special Inspector, or Inspectors, of said County Grammar Schools.

May appoint special Inspector of Grammar Schools.

Duty of the Chief Superintendent of Schools.

VIII. *And be it enacted*, That it shall be the duty of the Chief Superintendent of Schools to see that the County Grammar School Fund apportioned by him, is, in all cases, applied to the purposes hereinbefore prescribed; and that each County Grammar School is conducted according to the Rules and Regulations provided according to law; and to prepare suitable forms, and to give such instructions as he shall judge necessary and proper for making all reports and conducting all proceedings under this Act, and cause the same, with a sufficient number of copies of this Act, and such general Rules and Regulations as shall be approved of, by the Council of Public Instruction for the better Organization and Government of Grammar Schools, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act: Provided always, that no such School shall receive any part of the County Grammar School Fund, which shall not be conducted according to the provisions of this Act.

Proviso:

Trustees to be appointed by the County Councils.

IX. *And be it enacted*, That it may and shall be lawful for the Municipal Council of each County and City, to appoint not less than six, or more than eight, fit and proper persons, (three of whom shall be a Quorum for the transaction of business), as a Board of Trustees for each Grammar School in such County: Provided always, that two persons thus appointed, (to be determined by such Council,) shall retire from office annually, (but may be re-appointed,) and their places, as also any occasional vacancy, shall be filled up by such Council: Provided also, that the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the Person whose place shall have become vacant, was appointed to serve: Provided likewise, that the present Boards of Trustees of Grammar Schools shall continue in office until their successors shall have been appointed, according to the provisions of this Act.

First Proviso:

Second Proviso:

Third Proviso:

Duties of each Board of Trustees.

X. *And be it enacted*, That it shall be the duty of the Board of Trustees of each County Grammar School, (the first meeting of whom may be called by any Member:)

To determine modes of proceeding.

First, To appoint annually, or oftener, a Chairman, Secretary and Treasurer, the times and places of their meetings, the mode of calling and conducting such meetings, and of keeping a full and correct account of their proceedings:

To take charge of the Grammar School, appoint Masters, etcetera.

Secondly, To take charge of each County Grammar School and the Buildings and lands appertaining to it; to appoint, or remove, the Master and other Teacher, or Teachers, in such School: to fix their salaries and prescribe their duties; to appoint any other Officers, or Servants, in such School, as they may judge expedient, and fix their remuneration; to do whatever may be expedient, with regard to erecting, repairing, warming, furnishing, or keeping in order, the Building, or Buildings, of such School and its appendages, lands and enclosures, and to apply, (if necessary,) for the requisite sum, or sums, to be raised by municipal authority for such purpose, or purposes:

To levy rate bills, etcetera.

Thirdly,—To cause, in their discretion, to be levied by Rate Bill upon the parents and guardians of pupils attending such School, such additional sum, or sums, as they shall judge expedient towards making up the salaries of Teachers, providing the proper apparatus, text-books, and registers, and for any other necessary expenses of such School, and they shall have the same authority, and proceed in the same manner as Common School Trustees in the levying and collecting of Rate Bills for Common Schools:

May unite Common Schools with the Grammar School.

Fourthly,—To employ any lawful means, which they may judge expedient, in concurrence with the Board of Trustees of Common Schools in the Township, Village, Town, or City, in which such County Grammar School may be situated, for uniting one, or more, of the Common Schools of such Township, Village, Town, or City, or departments of them, with such County Grammar School: Provided always, that no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by a duly qualified English Teacher, or Teachers: Provided also, that, under such circumstances, such County Grammar School may be regarded, as a County Model School also, and perform the functions of such Model Schools, as far as the Trustees shall deem it advisable:

Conditions of such Union.

To see that pupils are provided with proper text-books, etcetera.

Fifthly,—To see that the pupils of such County Grammar School are supplied with proper text-books; that public half-yearly examinations of the pupils are held, and due notice given of them; and that such School is conducted in accordance with the Regulations which shall be provided according to law: Provided always, that, the Master and other Teachers of such School shall observe the same Regulations, in respect to teaching,

Duties of Masters and Teachers.

discipline, keeping Registers and Visitors' books, as are required by Law, of each Teacher of a Common School:

To give orders for payments of Masters, etcetera.

Sixthly,—To give the necessary orders upon the County Treasurer for the amount of public money to which such School is entitled, and upon their own Treasurer for any balance in his hands for the payment of the salaries of the Officers of such School, and of any necessary expenses; to prepare and transmit, before the Fifteenth day of January,

To prepare and transmit annual reports.

to the Chief Superintendent of Schools, an Annual Report, which shall contain a full and accurate account of all matters appertaining to such School, in accordance with a form of Report which shall be provided according to law.

Grammar School—how distinguished.

XI—*And be it enacted*, That each County Grammar School shall be distinguished by prefixing to the term "County," the name of the City, Town, or Village, within the limits of which it may be situated.

XII—And whereas it is desirable at all Seminaries and places of Education to direct attention to natural phenomena, and to encourage habits of observation ; Masters of certain Grammar Schools to keep Meteorological Journals.

And Whereas a better knowledge of the climate and meteorology of Canada will be serviceable to agricultural and other pursuits, and be of value to scientific enquirers :

Be it therefore enacted, That it shall be part of the duty of the Master of every senior County Grammar School, to make the requisite observations for keeping, and to keep, a Meteorological Journal, embracing such observations, and kept according to such form as shall, from time to time, be directed by the Council of Public Instruction ; and all such journals, or abstracts of them, shall be presented annually, by the Chief Superintendent of Schools to the Governor General, with his Annual Report :

Every County Grammar School shall, on, or before, the last day of November, One Thousand Eight Hundred and Fifty, be provided at the expense of the County, with the following instruments: Instruments to be provided.

One Barometer : One Thermometer, for the temperature of the air : One Thermometer, for the temperature of evaporation : One Rain-guage and measure . and One Wind vane.

And it shall be the duty of the Chief Superintendent of Schools, to procure these instruments, at the request of the Municipal Council of any County, and to furnish the Master of each senior County Grammar School with a Book for registering Observations, and with forms for abstracts thereof, to be transmitted to the Chief Superintendent by such Master, who shall certify that the Observations required have been made with due care and regularity.

XIII—*And be it enacted*, That it may and shall be lawful for the Governor-in-Council to appropriate out of the moneys referred to, in the first section of this Act, a sum not exceeding Five Hundred Pounds, (£500), in any one year, for establishing and maintaining a School of Art and Design for Upper Canada, under the direction and control of the Council of Public Instruction, which shall establish such School in connection with the Normal School, or otherwise, as it shall judge expedient, and shall employ the Professors, or Teachers, and make all regulations for the said School of Art and Design, and shall manage all the affairs thereof, as is provided by law, for the superintendence and management of the Normal School. School of Art and Design for Upper Canada.

XIV—*And be it enacted*, That all former Laws and Statutes relating to Grammar Schools, or Grammar School moneys in Upper Canada, so far as they are contrary to provisions of this Act, shall be, and the same are hereby, repealed : Provided always, that all appointments of Trustees, Masters, or Teachers, of Grammar Schools shall continue in force, as if made under the authority of this Act, until revoked, or changed, according to the provisions of the same. Former laws repealed.

August 5th, 1850. An engrossed Bill to provide for the payment of the sum of money therein mentioned, for the use of three additional Grammar Schools in the County of York for the year 1849, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be :—"An Act to provide for the payment of the sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, Upper Canada, for the year One Thousand Eight Hundred and Forty-nine," (1849.)

Ordered, That Mr. Solicitor General, John Sanfield Macdonald, do carry the Bill to the Legislative Council and desire their concurrence.

The Order of the Day for the House in Committee on the Bill to incorporate the Elgin Association for the Settlement and Moral Improvement of the Coloured population of Canada, being read ; The House accordingly resolved itself into the said Committee. Mr. Read Burritt took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair ; and Mr. Burritt reported, that the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed, and read the third time to-morrow.

August 6th, 1850. Mr. Edward Malloch, from the Committee of Supply reported several Resolutions, which were read. Among them were the following:

Resolved that a sum of Five Hundred Pounds (£500,) be granted to each of the following Colleges:

1. Victoria College, Cobourg 2. Queen's College, Kingston 3. Regiopolis College, Kingston 4. To Upper Canada College Toronto Eleven Hundred and Eleven Pounds, (£1,111). 5. For acquiring a Site and erecting a Building for the Upper Canada Normal School, Fifteen Thousand Pounds, (£15,000.)

August 7th, 1850. An engrossed Bill to incorporate the Elgin Association for the Settlement and Moral improvement of the Coloured population of Canada was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Malcolm Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the Day for the second reading of the engrossed Bill from the Legislative Council intituled: "An Act to authorize the removal of the Site of Victoria College from Cobourg to Toronto," being read; The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same. The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Joseph C. Morrison do carry back the Bill to the Legislative Council, and acquaint their Honours, that this House hath passed the same, without any amendment.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery, was read as follows:—

Mr. Speaker,

The Legislative Council have passed the following Bill, without amendment, videlicet:—

Bill, intituled: "An Act to provide for the payment of the sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, for the year One Thousand Eight Hundred and Forty-nine, (1849)."

Legislative Council, 7th August, 1850. René E. Caron, Speaker.

August 8th, 1850. The Honourable James Harvey Price, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, the Annual Report of the Normal, Model and Common Schools in Upper Canada, for the year 1849, by the Chief Superintendent of Schools.

Ordered, That the said Report be printed for the use of the Members of this House; and that a sufficient number of additional copies thereof be also printed, so as to furnish a copy to each Municipal Council, Local Superintendent, and Common School Corporation, in Upper Canada.

August 9th, 1850. A Message from the Legislative Council, by John Flennings Taylor, Esquire, one of the Masters in Chancery, was read as follows:—

Mr. Speaker,

The Legislative Council have passed the following Bill, without Amendment, videlicet:—

Bill intituled: "An Act to incorporate the Elgin Association for the Settlement and Moral improvement of the Coloured population of Canada."

Legislative Council, 9th August, 1850. René E. Caron, Speaker.

ADDITIONS MADE TO THE SCHOOL ACT OF 1850 BY THE GOVERNMENT.

Apart from the changes in phraseology, as well as alterations made in certain Sections of the Common School Act of 1850 by Members, during the passage of the Bill through the House of Assembly, several additions were made to it by the Honourable Francis Hincks, (Inspector General) who had charge of the Bill in the House, on behalf of the Government. These additions were as follows:

To Section Nineteen, providing for the regulation of Separate Schools: Instead of the Section beginning with the words: 'it shall be lawful for the "Municipality of any Township, if it shall judge expedient," etcetera, which, Mr. Hincks proposed to omit and to insert the following:

And be it enacted, That it shall be the duty of the Council of any City, Town, or Incorporated Village, or Township, on the application in writing of twelve, or more, resident heads of families to authorize the establishment of one or more Separate Schools for Protestants, Roman Catholics, or Coloured People; and, in such case, it shall prescribe the limits of the division, or Sections, for such Schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such Separate School, or Schools, as is provided in the Fourth Section of this Act.

Provided, That none but Coloured People shall be allowed to vote for the election of Trustees of the Separate Schools for their children, and none but the parties petitioning for the establishment of a Separate Protestant, or Roman Catholic, School shall vote at the election of Trustees of such School;

Provided, also, That each Separate Protestant, Roman Catholic, or Coloured, School shall be entitled to share the School Fund according to the average attendance of pupils, as compared with the whole number of pupils attending the Common Schools of such Town, Village, or Township.

Provided also, that no Protestant Separate School shall be allowed except when the Teacher of the Common School is a Roman Catholic, and no Separate Roman Catholic School shall be allowed except when the Teacher of the Common School is a Protestant, etcetera.

Mr. William H. Boulton was rather surprised at this amendment as he understood the Ministry intended to stand or fall by the Nineteenth Section . . .

The Honourable John Hillyard Cameron said that the amendment now proposed appeared as the result of pressure from without. He could not believe that it was a spontaneous production of the Inspector General.

The Reverend Doctor Ryerson's Explanation of the cause why this Amendment was Proposed by the Inspector General.

In a Letter to the Honourable George Brown, published in 1859, the Reverend Doctor Ryerson thus explained why this amendment was made by Mr. Hincks to the original Nineteenth Section of the Common School Act of 1850. He said:

"In the original Draft of the Nineteenth Section of the School Act of 1850, I proposed to place the authority for establishing Separate Schools upon the same footing as that on which it had been placed in Cities and Towns by the Act of 1847 – namely, to leave it in the hands of the Township Council, as it had been left in the hands of the City, or Town, Board of Trustees. I had heard of no instance of refusal on the part of a Town, or City, Board of Trustees to grant an application for a Separate School; neither did I apprehend a refusal to any reasonable request on the part of a Township Council, while it would render that provision of the Act less objectionable to those who did not approve of it. But the Authorities of the Roman Catholic Church, having had their suspicions and fears excited by the unexpected and unnoticed omission of the Separate School Sections from the Act of 1849, had representatives, both clerical and lay, in attendance, to watch the nature and progress of the School Bill of 1850, and they protested against the provisions of the 19th Section as originally introduced. Several leaders of the high Episcopalian party were also in attendance to get a clause providing for Church of England Separate Schools introduced into the Bill. An amendment to the 19th Section was concerted and agreed upon by the clerical Roman Catholic and high Episcopalian parties, by which any twelve members of either Church could demand a Separate School in any School Section of Upper Canada; so that a Protestant and Roman Catholic Bishop, or other Clergyman, and eleven others of either Church in Toronto could not only demand and establish a Separate School in Toronto, but in every City, Town, Village, and School Section in Upper Canada—not requiring the choice, or action, of the laity in any School Section out of Toronto for the establishment of a Separate School. The leaders on both sides of this new combination were very active, and, in the course of a few days, boasted that they would have a majority of fourteen, or twenty, votes against the Government, on the 19th Section of the Bill. A copy of the amendment of the combinationists was procured for me, and I was informed of the probable defeat of the Government on the question. I saw, at once, that the proposed amendment, if carried, would destroy the School System, and in order to break up the combination and save the School System, I proposed to amend the 19th Section of the Bill, so as to secure the right of establishing Separate Schools to the applicants, as provided in the School Acts of 1843 and 1846, only substituting twelve heads of families for ten freeholders, or householders. This was acceptable to the authorities of the Roman Catholic Church, who said they did not wish to oppose the Government of Messieurs Lafontaine and Baldwin, unless compelled to do so; and they then advised all the Roman Catholic Members of the House to vote for the Government Section of the Bill, as amended. When the question came up in Committee of the whole House, the leader of the high church combination, who was not aware of the counter movement, rose to move the famous amendment which was to defeat, if not oust the Government; but he was surprised to find that not one of the Roman Catholic members rose to vote for it; and only six, or eight, Episcopalians stood up—'few and far between'—in its behalf, to the great amusement of the other Members of the House.

"On Mr. Hincks moving to insert the Section, as amended, it was carried without a division and it constitutes the Nineteenth Section of the School Act of 1850, as it no stands."

Objections to the Provision for Separate Schools for Coloured Children.

In the debate on the Nineteenth Section of the School Act of 1850, Colonel John Prince, Member for the County of Essex said that

"He did not think that the Coloured People would thank the Government for putting them in the power of the Municipalities.

"They complained of it as an injustice, and infringement on their rights, and he was bound to advocate their cause. Now, he happened to live in the County of Essex where these people are very numerous, and where the strongest prejudices prevail against them—prejudices in which, he thanked God, he never shared. For as long as they were good, loyal, honest, industrious neighbours, and conducted themselves in conformity with the laws, they were entitled to as much regard as any other people."

In reply to the Member for Essex, Mr. Hincks said :—

"For the information the hon. Member who expressed great sympathy with the Coloured population, and who spoke of this Nineteenth Section as an injustice to them, he would read a short extract from the Report of the Chief Superintendent of Education on the subject, and he (Colonel Prince), would thne be able to judge of the operation and reasonableness of the present System :—

"The Nineteenth Section of the School Act,—authorizing each District Council to establish one or more Schools for the children of Coloured People,—is submitted with extreme pain and regret. I had hoped that the Act of 1847, authorizing different kind of Schools in Cities and Incorporated Towns would, to a great extent, meet the case of this class of our fellow-subjects ; but I was surprised to find, during my tour last Autumn to the Western District, (where there is a large number of Coloured People,) that there was not a single Incorporated Town in that District !

These people are taxed for the support of Common Schools, as are others ; yet their children are excluded from the Schools there. I have exerted all the power that I possessed, and employed all the persuasion I could command ; but the prejudice and feelings of the people are stronger than law.

In the Western District there happened to be nearly Two Hundred Pounds (£200,) balance of School Moneys of previous years, in the hands of the District Superintendent ; and under the authority of the Thirteenth Section, Clause Nine of the School Act, I requested the District Superintendent to aid the Schools of the Coloured People according to the number of their population,—so as to place them upon equal footing with their White neighbours. I have done the same in other Districts, when appealed to. But this is only a contingent and imperfect mode of doing justice to the Coloured People. I therefore propose the Nineteenth Section of the annexed Draft of Bill to meet their case."

EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, 1850.*

The Legislature met on the 14th of May, 1850. A Speech from the Throne was delivered by Lord Elgin, Governor General, as mentioned on page one of this Volume.

May 15th, 1850. The Honourable J. Emilius Irving presented a Petition from the Municipal Council of the County of York, praying for certain amendments in the School Act.

May 16th, 1850. The Honourable Samuel Mills presented a Petition from the Municipal Council of the United Counties of Wentworth and Halton, praying that the office of Chief Superintendent of Education may be merged into one of the Government Departments.†

May 27th, 1850. The Honourable James Morris presented a Petition from the Right Reverend Joseph E. Guigues, Roman Catholic Bishop of Bytown, praying that the College of Bytown may be placed on the same footing in the institutions of a like nature in Upper Canada ; also a Petition from the Very Reverend Angus Macdonald, President of Regiopolis College, Kingston, praying that a sum of money may be annually granted towards the support of the said College, and also that a further sum may be advanced to complete the grounds and outbuildings belonging thereto

* A number of Petitions were presented to the Legislative Council, during the Session of 1850, praying that the proceeds of the Sale of the Clergy Reserved Lands be devoted to the purposes of General Education. As these Petitions were identical with those presented to the House of Assembly, and recorded in its Proceedings, in the former part of this Chapter, it was not considered necessary to record them here.

† A copy of this Petition is printed on page one of this Chapter.

The Honourable James Leslie, Provincial Secretary, acquainted the House that he had a Message from His Excellency the Governor-General, under his Sign Manual, which His Excellency had commanded him to deliver to the House and the same was read as follows :—

ELGIN AND KINCARDINE.

The Governor-General informs the Honourable the Legislative Council that the Bill passed by the Legislative Council and the House of Assembly in the month of March, 1849, and reserved for the signification of Her Majesty's pleasure, intituled : "An Act to raise an Income of One Hundred Thousand Pounds, (£100,000,) out of the Public Lands of Canada for Common School Education" was specially confirmed and finally enacted by Her Majesty-in-Council on the 4th of March, 1850.

GOVERNMENT HOUSE, Toronto, 27th May, 1850.

May 28th, 1850. The Honourable Hamnett Pinhey presented a Petition from Mr. Charles Sparrow and others, praying for pecuniary aid towards the support of the Roman Catholic College of Bytown, equal to that granted to the like College in Kingston.

June 3rd, 1850. The Honourable Adam Fergusson presented a Petition from Skeffington Connor, Esquire, and others, Members of the Elgin Association for the Social and Moral Improvement of the Coloured population of Canada, praying for an Act of Incorporation for the said Association.

The Honourable Samuel Mills presented a Petition from the Municipal Council of the Township of Brantford, and others, praying that the Office of Chief Superintendent of Education may be merged into one of the Departments of the Government. (See page one of this Chapter.)

The Honourable Joseph Bourret presented to the House a Statement of the Affairs of the College of Bytown, as follows :—

The Act incorporating the College of Bytown, 12 Victoria, Chapter 107, passed on the 30th March, 1849,* defines, by its Sixth Section, That it shall be the duty of the Corporation to lay before each Branch of the Legislature, annually, a Statement of the number of Members of the said Corporation ; the number of Teachers ; the various Branches of Instruction ; the number of Scholars ; the Property held by the Corporation, and the Revenues arising therefrom.

At the Convocation, held on the 25th of April 1850, I was entrusted by the Corporation with the duty of taking the necessary steps towards meeting the views of the Legislature. I, therefore, proceed to state the result of my enquiries :—

First. The Corporation is composed, at the present moment, of five Members [including the Bishop of the Diocese] :—

Secondly. Five Professors give instruction in the divers Branches mentioned in the Prospectus, published on the 15th of September, 1848 : The Reverend Mr. Mignault teaches Latin and Mathematics. Mr. Carbet, the Greek Language and English Literature. Mr. Arthur Mignault, Methode. Mr. Collins, Mathematics, Drawing, and English. Mr. Triol, Elements.

Thirdly. This College has been in operation since the 26th September, 1848. About one hundred scholars, thirty-five of whom are boarders, receive instruction in this Establishment, without reference to origin, or creed : about thirty scholars receive a gratuitous Education.

The College occupy, at the present moment a large Wooden House, three stories in height, constructed on the Church Property. A large piece of land, situate in a very fine position between both Towns, has been given by Mr. Bissonet, for the use of the College. When the resources of the Corporation shall permit, they will lose no time in fulfilling the intentions of the Donor, by building a College thereon, sufficiently large for the wants of the population.

The Corporation hold also, Four Hundred Acres of Land in the Township of Gloucester, at a distance of three leagues from Bytown—Lots Numbers 1 and 2 of the First Concession, on the River Ottawa. This land is not yet cleared. At present very little revenue is derived from it. The only revenue of the College is derived from the payments of the Boarders, and the monthly payments of the other Scholars.

It is only by the sacrifices made by the Bishop, and the devotedness of the Professors that this Institution has been supported up to this day.

BYTOWN, June, 1850. D. D'AUMAUD, Curé of Bytown.

June 4th, 1850. The Honourable John Hamilton presented two Petitions from the University of Queen's College, at Kingston, praying that an adequate grant may be made for the efficient Establishment and Maintenance of the said University :

And also, praying that the same amount of annual pecuniary aid may be given to Queen's College School in the said Town, as is granted to the High Schools of Quebec and Montreal.

* This Act will be found on pages 185, 186 of the Eighth Volume of this Documentary History.

June 18th, 1850. The Honourable James Crooks presented a Petition from the Common School Trustees of School Section Number Seven in the Township of Toronto, praying that the Bill before Parliament, regulating Common Schools may not be passed into a Law in its present form.

July 19th, 1850. Pursuant to the Order of the Day, the Bill, intituled: "An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada" was read a second time.

July 24th, 1850. On this day His Excellency the Governor General assented to the Bill for the Better Establishment and Maintenance of Common Schools. See page 17 of this Chapter.

July 25th, 1850. The Honourable James Leslie presented a Petition from the Board of Trustees of Victoria College, at Cobourg, praying for the passing of, "An Act to authorize the removal of the Site of the said College from the vicinity of the Town of Cobourg to the City of Toronto.*

July 26th, 1850. The Honourable James Gordon, presented a Petition from the Honourable Chief Justice Robinson and others, Members of the United Church of England and Ireland, in the Province of Canada, praying that they may be incorporated under the name of Trinity College.

The Honourable James Leslie, presented to the House a Bill, intituled: "An Act to authorize the removal of the Site of Victoria College from Cobourg to Toronto." The Bill was read for the first time.

Ordered, That the said Bill be read a second time on the next Sitting of this House.

July 27th, 1850. A Message was brought from the Legislative Assembly by the Honourable Mr. Attorney General Baldwin and others, with a Bill intituled: "An Act to Remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for Amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Scholarships, Exhibitions, Prizes, and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof," to which they desire the concurrence of the House.

The Order of the Day being read for a Second Reading of the Bill intituled: "An Act to authorize the removal of Victoria College from Cobourg to Toronto, it was—

Ordered, That the same be postponed until Monday next the 29th instant.

July 29th, 1850. Pursuant to the Order of the Day, the Bill, intituled: An Act to authorize the removal of the Site of Victoria College from Cobourg to Toronto" was read the second time, and it was

Ordered, That the said Bill be engrossed and the same be read a third time tomorrow.

Pursuant to the Order of the Day, the Bill, intituled: "An Act to Remove certain Doubts respecting the Intention of the Act of last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the Institution and Endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof," was read a second time, and it was—

Ordered, That the said Bill be committed to a Committee of the Whole House, and it was—

Ordered, That the House be now put into Committee on the same. The House, according to Order, was adjourned during pleasure, and put into Committee on the said Bill. After some time the House was resumed, and the Honourable George S. Boulton reported from the said Committee that they had gone through the said Bill, and had directed him to report the same with certain Amendments, which he was ready to submit whenever the House would be pleased to receive them. It was then—

Ordered, That the Report be now received, and the said Amendments were then read by the Clerk of the House as follows:—

Press 2, line 29: Leave out from "contained" to Members in line 32, and insert "nine."

Press 2, line 33: Leave out from "business" to "and," in line 36.

The said Amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House. It was then

Ordered, That the said Amendments be engrossed, and the said Bill, (as amended,) be read a third time to morrow.

* A copy of this Petition will be found on page 20 of this Chapter.

July 39th, 1850. The Order of the Day being read, for a third reading of the Bill, intituled : " An Act to Remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof, (as amended,) it was—

Ordered, That the same be discharged, and that the said Bill, be again committed to a Committee of the whole House. The House according to Order was adjourned during pleasure, and again put into a Committee on the said Bill. After some time spent in Committee, the House was resumed, and it was : the Honourable George J. Goodhue reported from the said Committee that they had again gone through the Bill and had directed him to report the same, with a further Amendment, which he was ready to submit whenever the House would be pleased to receive it. It was then

Ordered, That the Report be now received, and said further Amendment was then read by the Clerk as follows : —

Press 4, line 21,—After " purpose," insert Clause A, as follows :—

" *And be it enacted*, That nothing in the three next preceding Sections of this Act contained shall affect, or be construed to affect, in any way the Twelfth Section of the said recited Act, but that the provisions of the said three Sections shall to all intents and purposes whatsoever, be subject to, and limited by the provisions of the said Twelfth Section, as if the same had been inserted in this Act."

The same further Amendment being read a second time, and the question of concurrence put thereon, the same was agreed to by the House. It was then—

Ordered, That the said further Amendment be Engrossed and the said Bill, (as amended,) be read the third time to-morrow.

July 31st, 1850. The Order of the Day being read for the third reading of the Bill, intituled : " An Act to Remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Scholarships, Exhibitions, Prizes and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof, (as amended,) it was—

Ordered, that the same be postponed until to-morrow.

August 1st, 1850. Pursuant to the Order of the Day, the Bill, intituled: 'An Act to Remove certain Doubts respecting the Intention of the Act of the laft Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes, and other Rewards, in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof, was (as amended) read a third time.

The question was put whether this Bill (as amended) shall pass ? It was resolved in the affirmative. It was then—

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint the House that the Legislative Council have passed this Bill with certain Amendments, to which they desire their concurrence.

August 2nd, 1850. A Message was brought from the Legislative Assembly by the Honourable Mr. Attorney General Baldwin, and others, to return the Bill intituled : " An Act to Remove certain Doubts respecting the Intention of the Act of last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowments of Regius, and other Professorships Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof," and to acquaint this House that the Legislative Assembly have agreed to the Amendments made by the Legislative Council to the Bill, without any Amendment.

August 5th, 1850. A Message was brought from the Legislative Assembly by Mr. Solicitor-General John S. Macdonald and others, with a Bill, intituled : " An Act to provide for the payment of the sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, Upper Canada, for the year One Thousand Eight Hundred and Forty-nine (1849,) " to which they desire the concurrence of this House.

The said Bill was read for the first time, and it was—

Ordered, That the said Bill be read the second time tomorrow.

August 6th, 1850. Pursuant to the Order of the Day, the Bill, intituled : " An Act to provide for the payment of the sum of money therein mentioned for the use and support of three additional Grammar Schools, in the County of York, Upper Canada, for the year One Thousand Eight Hundred and Forty-nine, (1849,)" was read the second time, and it was—

Ordered, That the said Bill be read the third time tomorrow.

August 7th, 1850. Pursuant to the Order of the Day, the Bill, intituled : " An Act to provide for the payment of the sum of money therein mentioned for the use and support of three additional Grammar Schools, in the County of York, Upper Canada, for the year One Thousand Eight Hundred and Forty-nine, (1849,)" was read the third time. The question was put whether this Bill shall pass ? It was resolved in the affirmative.

A Message was brought from the Legislative Assembly by the Honourable John Hillyard Cameron and others with a Bill, intituled : " An Act to Incorporate the Elgin Association for the Settlement and Moral Improvement of the Coloured Population of Canada," to which they desire the concurrence of this House. The said Bill was read for the first time, and it was—

Ordered, that the said Bill be read the second time to-morrow.

August 8th, 1850. The Order of the Day being read for a second reading of the Bill, intituled " An Act to Incorporate the Elgin Association, for the Settlement and Moral Improvement of the Coloured Population of Canada," it was moved that the said Bill be now read for the second time. Which being objected to, the question of concurrence was put thereon, and the same was resolved in the affirmative. Whereupon the said Bill was read the second time, and it was—

Ordered, that the said Bill be referred to a Select Committee of three Members, and it was further—

Ordered, that the Committee be the Honourable Messieurs James Crooks, James Morris, and John Ross, to meet and adjourn as they please.

The Honourable James Crooks, from the Select Committee, to whom was referred the Bill, intituled : " An Act to Incorporate the Elgin Association, for the Settlement and Moral Improvement of the Coloured Population of Canada, reported that they had gone through the said Bill, and had directed him to report the same to the House without any Amendment "

Ordered, that the forty-sixth Rule of this House be dispensed with, in so far as it relates to the same Bill, and that the same be read a third time presently. The said Bill was then read a third time accordingly. The question was put whether this Bill shall pass ? It was resolved in the affirmative. It was then—

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council have passed this Bill without any Amendment.

August 10th, 1850. A Message was received from His Excellency the Governor General stating that it was His Excellency's pleasure that the Members of the House of Assembly should attend him in the Senate Chamber, who, being come with their Speaker, His Excellency assented to the following, among other Bills, in Her Majesty's name, videlicet :—

1. An Act to Remove certain Doubts respecting the Intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University, and with the College and Royal Grammar School of Upper Canada College, forming an Appendage thereof.

2. An Act to authorize the removal of the Site of Victoria College from Cobourg to Toronto.

3. An Act to provide for the payment of the sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, Upper Canada, for the year one thousand eight hundred and forty-nine, (1849.)

4. An Act to incorporate the Elgin Association for the Settlement and Moral Improvement of the Coloured Population of Canada.

In the closing Speech from the Throne, His Excellency made no reference to any educational matters.

CHAPTER II.

EDUCATIONAL ACTS PASSED BY THE LEGISLATURE OF THE PROVINCE OF CANADA, 1850.

ANNO TERTIO-DECIMO, ET QUARTO-DECIMO: VICTORIÆ REGINÆ: CAPUT XLVIII.

AN ACT FOR THE BETTER ESTABLISHMENT AND MAINTENANCE OF COMMON SCHOOLS IN UPPER CANADA, 1850.

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR GENERAL OF BRITISH NORTH AMERICA.

Passed on the 24th of July, 1850.

(NOTE. Those parts of the original Bill on which the following Act is founded, which were omitted, or modified, by the Legislature, are enclosed in square brackets; the additions made to the Bill are printed in italic type.)

Preamble. WHEREAS it is expedient to make provision for the Better Establishment and Maintenance of Common Schools in the several Villages, Towns, Cities, Townships and Counties of Upper Canada:

1840. *Be it therefore enacted*, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite The Provinces of Upper and Lower Canada, and for the Government of Canada.* And it is hereby enacted by the authority of the same, that the Act *of the Parliament of this Province, passed in the Seventh year of Her Majesty's Reign (1843), intituled: "An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada,"* and also the Act passed in The Twelfth Year of Her Majesty's Reign (1849), Chapter 83, and intituled: "An Act for the Better Establishment and Maintenance of Public Schools in Upper Canada, and for Repealing the present School Act," shall be, and the same are hereby repealed: Two Acts repealed. Proviso: 1843. 1849.

Provided always, nevertheless, Firstly, that no Act or part of an Act repealed by either of the Acts hereby repealed, shall be revived by the passing of this Act: And provided also, Secondly, that the repeal of the said Acts shall not extend, or be construed to extend, to any act done, any penalty incurred, or any proceeding had under the said Acts, or either of them: And provided also, Thirdly, that all School Sections, or other School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and Rate-Bills, made under the authority of the said Acts, or of any preceding Act, and not annulled by the said Acts, *or by this Act, or by any of them*, shall be valid and in full force and binding upon all parties concerned, as if made under the authority of this Act, and shall so continue until altered, modified, or superseded, according to the provisions of this Act: *And provided also, Fourthly, that nothing herein contained shall affect the liability of any District, County, City, Town, or Township, Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under either of the said Acts; but the liabilities of every such Superintendent for such moneys shall be and remain as if this Act had not been passed: And provided also, Fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the Consolidated Revenue fund of this Province, for or towards the Establishment and Maintenance of Common Schools in this Province, or in any part thereof.* All school divisions, elections, appointments, contracts, confirmed.

I. Election and Duties of Common School Trustees.

Annual School meetings to be held throughout U. C., on the second Wednesday in January, at 10 o'clock, a.m.

II. *And be it enacted*, That the annual meetings for the elections of School Trustees, as hereinafter provided by this Act, shall be held in all the Villages, Towns, Cities, and Townships of Upper Canada, on the second [Tuesday] *Wednesday* in January, in each year, commencing at the hour of Ten of the Clock in the forenoon.

One Trustee in each School Section to be elected at each annual School meeting.

Proviso: Same individual may be re-elected, but not without his consent for four years.

III. *And be it enacted*, That in all School divisions, (except in Cities, Towns, and Incorporated Villages,) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office: Provided always, that the same individual, if willing, may be re-elected: And provided also, That no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Mode of calling the first School meeting in a new School section.

IV. And be it enacted, That whenever any School Section shall be formed in any Township, as provided in the Eighteenth Section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such School Section; and such person shall, within twenty days thereafter, prepare a notice in writing, describing such Section, and appointing a time and place for the first School Section Meeting, and shall cause copies of such notice to be posted in at least three public places in such School Section, at least six days before the time of holding such meeting.

Mode of proceeding at the first meeting in a new School section. Election of chairman and Secretary. Duty of the Secretary. Duty of the Chairman. A poll to be granted at the request of any two electors. Three Trustees to be elected. Order of retiring from office. Proviso: Copy of proceedings to be transmitted to the local Superintendent of Schools.

V. *And be it enacted*, That at every such first School Section Meeting, the majority of the [resident] *freeholders, or* householders, of such School Section present, shall elect one of their own number to preside over the proceedings of such Meeting, and shall also appoint a Secretary, whose duty it shall be to record all the proceedings of such meeting; and the Chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and [no other] *and shall have no vote except as Chairman*, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall, at the request of any two electors, grant a poll for recording the names of the voters by the Secretary: and it shall be the duty of the electors present at such meeting, or a majority of them, to elect from the *freeholders, or* householders, [resident] in such Section, three Trustees, who shall respectively continue in office as follows:—the last person elected shall continue in office until the next ensuing annual school meeting in such Section, and until his successor is elected; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting and until their successors are elected respectively: Provided always, that a correct copy of the proceedings of such first School Section Meeting, and of every annual school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendent of Schools.

Proceedings and duties of annual School section meetings.

VI. *And be it enacted*, That at every annual School Section Meeting in any Township, as authorized and required to be held by the Second Section of this Act, it shall be the duty of the [resident] *freeholders, or* householders, of such section, present at such a meeting, or a majority of them,—

Election and duties of Chairman and Secretary.

Firstly. To elect a Chairman and Secretary, who shall perform the duties required of the Chairman and Secretary, by the Fifth Section of this Act.

To receive and decide upon the annual financial report of the Trustees.

Secondly. To receive and decide upon the report of the Trustees, as authorized and provided for by the Eighteenth clause of the Twelfth Section of this Act.

To elect one or more Trustees.

Thirdly. To elect one, or more, persons as Trustee, or Trustees, to fill up the vacancy, or vacancies, in the Trustee Corporation, according to law: Provided always, that no Teacher in such Section shall hold the office of School Trustee.

To decide upon the manner of providing for the expenses of the School.

Fourthly. To decide upon the manner in which the salary of the Teacher, or Teachers, and all the expenses connected with the operations of the School, or Schools, shall be provided for.

Mode of challenging voters at school meetings. Declaration required.

VII. *And be it enacted*, That if any person offering to vote at an annual, or other, School Section Meeting, shall be challenged as unqualified by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make the following declaration:—"I do declare and affirm that I am a [resident] *freeholder*, or householder in this School Section, and that I am legally qualified to vote at this meeting." And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected:

Provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanor, and punishable by fine, or imprisonment, at the discretion of [the] *any* Court of *Quarter Sessions*, or by a penalty of not less than One pound five shillings, or more than Two pounds, ten shillings, to be sued for and recovered, *with costs*, by the Trustees of the School Section, for its use, before any Justice of the Peace, having jurisdiction within such School Section.

Proviso: Penalty for making a false declaration and for voting illegally.

Mode of recovering such penalty and its application.

VIII. And be it enacted, That if any person chosen as Trustee, shall refuse to serve, he shall forfeit the sum of One pound, five shillings; and every person so chosen and not having refused to accept, who shall at any time refuse, or neglect, to perform the duties of his office, shall forfeit the sum of Five pounds; which sum, or sums, may be sued for and recovered by the Trustees of the School Section, for its use, before any such Justice of the Peace: Provided always, that any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing.

Penalty for refusing to serve as School Trustee.

Proviso: mode and conditions of resigning the office of Trustee.

IX. *And be it enacted*, That in case no annual, or other, School Section meeting be held for want of proper notice, the Trustees and other person whose duty it was to give such notice, shall respectively and individually forfeit the sum of One pound five shillings, to be sued for and recovered for the purposes of such School Section, on the complaint of any resident in such Section, before any such Justice of the Peace: Provided always, that in the default of the holding of any School Section Meeting, as hereinbefore authorized by this Act, for want of proper notice, then any two [resident] *freeholders*, or householders, in such Section, are hereby authorized, within twenty days after the time at which such meeting should have been held, to call such meeting by giving six days' notice, to be posted in at least three public places in such School Section; and the meeting thus called shall possess all the power, and perform all the duties of the meeting, in the place of which it shall have been called.

Penalty for not giving due notice of annual school meeting.

Mode of recovering and applying such penalty.

Mode of calling a school meeting in default of the annual meeting not being called.

Duties and powers of such meeting.

X. And be it enacted, That the Trustees in each School Section shall be a Corporation, under the name of "The Trustees of School Section Number —, in the Township of ———, in the County of ———;" Provided always, that no such Corporation of any School Section shall cease by reason of the want of Trustees, but in case of such want, any two [resident] *freeholders*, or householders, of such Section shall have authority, by giving six days' notice, to be posted in at least three public places in such Section, to call a meeting of the [resident] *freeholders*, or householders, who shall proceed to elect three Trustees, in the manner prescribed in the Fifth Section of this Act, and the Trustees thus elected shall hold and retire from office in the manner prescribed for Trustees elected under the authority of the said Fifth Section of this Act.

Trustees to be a Corporation.

Proviso: Such Corporation not to cease for want of Trustees.

Mode of electing new Trustees, if necessary.

XI. *And be it enacted*, That in any case of difference as to the Site of a School-house between the majority of Trustees of a School Section and a majority of the [resident] *freeholders*, or householders, at a special Meeting called for that purpose, each party shall choose one person as arbitrator, and the two arbitrators thus chosen, and the Local Superintendent, or any person appointed by him to act on his behalf, in case of his inability to attend, or a majority of them, shall finally decide on the matter.

Mode of deciding on the site of a school-house.

XII. *And be it enacted*, That it shall be the duty of the Trustees of each School Section:

Duties of Trustees.

Firstly. To appoint one by themselves, or some other person, to be Secretary-treasurer to the Corporation; and it shall be the duty of such Secretary-treasurer to give such security for the correct and safe keeping and forthcoming, (when called for), of the papers and moneys belonging to the Corporation, as may be required by a majority of the Trustees; to keep a record of all their proceedings, in a book procured for that purpose; to receive and account for all school moneys collected by Rate-Bill, [or] subscription, *or otherwise*, from the inhabitants of such School Section; to disburse such moneys in such manner as may be directed by the majority of the Trustees.

To appoint a Secretary-treasurer: his duties.

Secondly. To appoint, if they shall think it expedient, a Collector, (who may also be Secretary-treasurer), to collect the rates they have imposed, or shall impose upon the inhabitants of their School Section, or which the said inhabitants may have subscribed; and to pay to such Collector, at the rate of not less than five, or more than ten, per cent., on the moneys collected by him for his trouble in collecting; and every Collector shall give such security as may be satisfactory to the Trustees, and shall have the same powers, by virtue of a Warrant, signed by a majority of the Trustees, in collecting the school-rate, or subscription, and shall

To appoint a collector: his duties.

His remuneration.

Collector to give security.

Collector's powers.

proceed in the same manner as ordinary Collectors of County and Township rates, or assessments.

Trustees to have the possession and safe keeping of all the Common School property in their section.

Thirdly. To take possession and have the custody and safe keeping of all Common School property, which may have been acquired, or given, for Common School purposes in such Section, and to acquire and hold as a Corporation, by any title whatsoever, any land, moveable property, moneys, or income for Common School purposes, until the power hereby given shall be taken away, or modified, according to law, and to apply the same according to the terms of acquiring, or receiving them.

Providing school premises.

School apparatus and books.

Fourthly. To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the Section School House, and its appendages, wood-house, privies, enclosures, lands, and moveable property, which shall be held by them, and for procuring Apparatus and Text-books for their School; also to rent, repair, furnish, warm, and keep in order a School House and its appendages, if there be no suitable School House belonging to such section, or if a second school-house be required.

To employ Teachers.

To establish a female school.

Fifthly. To contract with and employ all Teachers for such School Section, and to determine the amount of their salaries; and to establish, if they shall deem it expedient, by and with the consent of the local Superintendent of Schools, both a female and male School in such Section, each of which shall be subject to the same regulations and obligations as Common Schools generally.

To give orders to Teachers for school moneys, but to none but qualified Teachers.

Sixthly. To give the Teacher, or Teachers, employed by them, the necessary order, or orders, upon the Local Superintendent for the School Fund apportioned and payable to their School Section: Provided always, that the Trustees of any School Section shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal Certificate of Qualification.

To provide for the salaries of Teachers and the expenses of the School, in the manner desired by a majority of school electors, at a special meeting.

Seventhly. To provide for the salaries of Teachers and all other expenses of the School, in such manner as may be desired by a majority of the *freeholders, or* householders, of such Section, at the annual School Meeting, or a special Meeting called for that purpose, and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such salaries and other expenses; and should the sums thus provided be insufficient to defray all the expenses of such School, the Trustees shall have authority to assess and cause to be collected any additional rate, in order to pay the balance of the Teacher's salary, and other expenses of such School.

How to provide for deficiencies.

To make out a rate bill list and warrant for the Collector.

Proviso: such rate-bill to be payable monthly, quarterly, half-yearly, or yearly.

Eigthly. To make out a list of the names of all persons rated by them for the School purposes of such Section, and the amount payable by each, and to annex to such list a Warrant, directed to the Collector of the School Section, for the collection of the several sums mentioned in such list: Provided always, that any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.

To apply to the Township Council at their discretion for the raising of school moneys.

Duty of Township Clerk, or other officer in certain cases.

Ninthly. To apply to the municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the [land] *free*holders and householders of such Section, by rate, according to the valuation of taxable property, as expressed in the Assessor, or Collector's, Roll; *and the Township Clerk, or other Officer having possession of such roll,* [who], is hereby required to allow any one of the Trustees, or their authorized Collector, to make a copy of such roll, as far as it shall relate to their School Section.

To exempt indigent persons.

Teacher's salary not to be lessened thereby

Tenthly. To exempt wholly or in part, from payment of school rates, such indigent persons as they shall think proper, and the amount of the same shall be a charge upon the other rateable inhabitants of the School Section, and shall not be deducted from the salary of a Teacher.

To sue defaulters residing out of the school section.

Eleventhly. To sue for and recover by their name of office, the amounts of the school rates, or subscriptions, due from persons residing without the limits of their School Section, and making default of payment.

To notify and fix the place of the annual school meeting.

To call special meetings.

Mode of conducting special meetings.

Copy of the proceedings to be

Twelfthly. To appoint the place of each annual School Meeting, and to cause notices to be posted in at least three public places of such Section, at least six days before the time of holding such Meeting; to call and give like notice of any special meeting of the [resident] *freeholders, or* householders, of such Section, for the filling up of any vacancy in the Trustee Corporation, occasioned by death, removal, or any other cause whatever, or for the selection of a new school Site, or for any other school purpose, as they may think proper; to specify the object, or objects, of such Meeting; which Meeting shall be organized, and its proceedings recorded in the same manner, as those of an annual School Meeting; and a copy of them, in

like manner, shall be transmitted to the Local Superintendent: Provided always, that, in case of a vacancy in the office of any of the Trustees, during the period for which they shall have been respectively elected, the person, or persons, chosen to fill such vacancy, shall hold office only for the unexpired term.

sent to the local Superintendent of schools. Continuance in office of persons elected to fill vacancies.

Thirteenthly. To permit all residents in such Section between the ages of five and twenty one years of age, to attend the School, so long as their conduct shall be agreeable to the rules of such School, and so long as the fees, or rates, required to be paid on their behalf, are duly discharged: Provided always, that this requirement shall not extend to the children of persons in whose behalf a Separate School shall have been established, according to the Nineteenth Section of this Act.

To admit persons from 5 to 21 years of age to attend the school, on certain conditions. Exception in certain cases.

Fourteenthly. To visit the School from time to time, and see that it is conducted according to the Regulations authorized by law.

To visit the school.

Fifteenthly To see that no authorized books are used in the School, but that the pupils are duly supplied with a uniform series of Text books, sanctioned and recommended according to law; *and to procure, annually, for the benefit of their School Section, some periodical devoted to Education.*

To prohibit improper, and provide proper books for the school.

Sixteenthly. To be personally responsible for the fulfilment of any contract, or agreement, made by them, unless they can prove that they have exerted all the corporate powers vested in them by this Act] *exercise all the corporate powers vested in them by this Act, for the fulfillment of any contract, or agreement, made by them; and, in case any of the Trustees shall wilfully neglect, or refuse, to exercise such powers, he, or they, shall be personally responsible* for the fulfillment of such contract, or agreement.

To be personally responsible in the case of refusing or neglecting to exercise corporate powers for the fulfilment of contracts.

Seventeenthly. To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorized according to law, for the establishment, safe keeping, and proper management of a School Library, whenever provision shall have been made and carried into effect for the establishment of School Libraries.

To appoint a Librarian, and provide for the establishment and support of a school library.

Eighteenthly. To ascertain the number of children between the ages of five and sixteen years residing in their Section [during the Month of] *on the thirty-first day* of December in each year; and to cause to be prepared and read at the annual Meeting of their Section, their annual School Report for the year then terminating, which report shall include, among other things prescribed by law, a full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of such Section, for any purpose whatsoever, during such year; and if such account shall not be satisfactory to a majority of the freeholders, or householders, present at such Meeting, then a majority of the said *freeholders, or* householders, shall appoint one person and the Trustees shall appoint another; and the two arbitrators thus appointed shall examine the said account, and their decision respecting it shall be final: or if the two arbitrators thus appointed shall not be able to agree, they shall select a third, and the decision of the majority of the arbitrators so chosen shall be final; and such arbitrators, or a majority of them, shall have authority to collect, or cause to be collected, whatever sum, or sums, may be awarded against any person or persons by them, in the same manner and under the same regulations as those according to which Trustees are authorized by the Twelfth Section of this Act to collect school rates; and the sum, or sums, thus collected shall be expended in the same manner as are other moneys for the Common School purposes of such Section.

To ascertain the number of resident children of school age.

To read the school report at the annual school meeting.

Proceeding in case the financial account is not satisfactory to the majority of the meeting.

Nineteenthly. To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent; which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Education and shall specify:

To prepare and transmit, before the 15th January, the annual school report to the local Superintendent of Schools.

1st.—The whole time the School in their Section shall have been kept by a qualified Teacher during the year ending the thirty first day of the previous December.

Contents of such report: Time of keeping the school open.

2ndly. The amount of moneys received from the school fund, from local rates, or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys have been expended.

3rdly. The whole number of children residing in the School Section, over the age of five years, and under the age of sixteen; the number of children and young persons taught in the School in winter and summer, distinguishing the sexes, and those who are over and under sixteen years of age; the average attendance of pupils in both winter and summer.

Amount of moneys received, and from what sources, and how expended.

Number of resident children of school age.

Attendance of pupils in winter and summer.

Average attendance both winter and summer.

Branches taught, text-books used, public examinations, visits, lectures.

4thly.—The branches of education taught in the School; the number of pupils in each branch; the Text-books used; the number of public school examinations, lectures and visits, and by whom, and such other information respecting the school premises, and Library, as may be required in the form of a report provided by the Chief Superintendent of Education.

Penalty of signing a false report by a Trustee; or of keeping a false register and making false returns by a Teacher.

XIII. *And be it enacted*, That every Trustee of a Common School who shall knowingly sign a false report, and every Teacher of a Common School who shall keep a false school register, or make a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such Common School, shall, for each offence, forfeit to the Common School Fund of the Township, the sum of Five pounds, and may be prosecuted before any such Justice of the Peace, by any person whatever, and convicted on the oath of any one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs, by distress and sale of the goods and chattels of the offender, under Warrant of such Justice, and paid over by him to the said Common School Fund, or the said offender shall be liable to be tried and punished for the misdemeanor.

Foreign books to be used only in certain cases.

Parental and religious rights protected.

XIV. *And be it enacted*, That no foreign books in the English branches of education shall be used in any Model, or Common, School, without the express permission of the Council of Public Instruction; nor shall any pupil in any such School be required to read, or study, in or from any Religious book, or join in any exercise of devotion, or Religion, which shall be objected to by his, or her, parents, or guardians; Provided always, that, within this limitation, pupils shall be allowed to receive such Religious instruction as their parents and guardians shall desire, according to the General Regulations which shall be provided for according to law.

II. Common School Teachers, and their Duties.

A qualified teacher defined.

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not, at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a Certificate of Qualification, as hereinafter provided by this Act;

Proviso:

Provided always that *Certificates of Qualification given by Local Superintendents*, shall not be in force until the first day of January, one thousand eight hundred and fifty one.

Duties of Teachers.

XVI. And be it enacted, That it shall be the duty of every Teacher of a Common School,—

To act according to law and agreement.

Firstly. To teach diligently and faithfully all the branches required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act.

To keep registers.
To maintain discipline.
To keep a Visitor's Book.

Secondly. To keep the Daily, Weekly, and Monthly, or Quarterly, Registers of the School; to maintain proper order and discipline therein, according to the Forms and Regulations which shall be provided according to law; also to keep a Visitors' Book, (which the Trustees shall cause to be provided for that purpose,) and he shall enter therein the visits made to his School, and shall present such Book to each Visitor, and request him to make such remarks as may have been suggested by such visit.

To have quarterly examinations.

Thirdly. To have, at the end of each Quarter, a Public Examination of his School, of which he shall give due notice, through the pupils, to their parents and guardians, and the Trustees of the School, and of which he shall also give due notice to any School Visitors who shall reside in, or adjacent to, such School Section.

To give information to the Local or Chief Superintendent.

Fourthly. To furnish to the Local School Superintendent, or to the Chief Superintendent of Education, when desired, any information which it may be in his power to give respecting anything connected with the operations of his School, or in anywise affecting its interests, or character.

To deliver papers.

Proviso.

Fifthly. To keep carefully, and, at the time of his leaving a School, to deliver up, to the order of the Trustees, the Registers and Visitors' Book, appertaining to the School: Provided always, that he shall, at all times, when desired by them, give Trustees, or Visitors, access to such Registers and Visitors' Book.

Protection of teachers in case of dismissal.

XVII. *And be it enacted*, That [no] *any* Teacher shall be [dismissed from a School] *entitled to be paid at the same rate mentioned in his agreement with the Trustees*, even at the expiration of the period of his agreement [but shall have a right, if he think proper, to continue to teach according to the terms of his agreement], until the Trustees shall have paid him the whole of his salary, as Teacher of the School, according to their engagement with him: Provided always, that, in case of any difference between Trustees and a Teacher, in regard to [financial matters, each

party shall choose an arbitrator, and the decision of the two arbitrators, thus chosen, and the Local Superintendent, (or any person selected by him to act on his behalf, in case of his inability to attend,) or a majority of them shall be final,] *to his salary, the sum due to him, or any other matter in dispute between them, it shall be lawful to submit such matter in dispute to arbitration; and each party shall choose one Arbitrator, and, in case either party, in the first instance, shall neglect, or refuse, to name and appoint an Arbitrator on his behalf, it shall be lawful for the party requiring such arbitration, by a notice in writing to be served upon the party so neglecting, or refusing to make such appointment, to require the opposite party, within three days, inclusive of the day of the service of such notice, to name and appoint an Arbitrator on his behalf, which notice shall name the Arbitrator of the party serving such notice; and in case the party upon whom such notice is served shall not, within the three days mentioned in such notice, name and appoint such Arbitrator, then the party requiring such arbitration shall and may nominate and appoint the second arbitrator, and the two Arbitrators, in either way chosen, and the Local Superintendent, or any person chosen by him to act on his behalf, in case he cannot attend, or any two of them, shall have full authority to make an award between them, and such award shall be final: Provided always, that, so often as any such submission shall fall through, it shall be lawful to re-submit the matters in dispute until a final award shall be made between them.*

Mode of settling any difference in financial matters between Trustees and Teachers.

Final award required.

III. Powers and Duties of the Township Councils.

XVIII. *And be it enacted*, That it shall be the duty of the Municipality of each Township in Upper Canada:

Duties of Township Councils.

Firstly. To levy such sum, by assessment, upon the taxable property in any School Section, for the purchase of a School-Site, the erection, repairs, renting and furnishing of a School House, the purchase of Apparatus and Text-Books for the School, Books for the Library, salary of the Teacher, as shall be desired by the Trustees of such School Section, on behalf of the majority of the [resident] *freeholders, or* householders, at a public Meeting called for such purpose, or purposes, as provided for by the Twelfth Section of this Act:

To levy assessments for common school purposes, as desired by trustees.

Provided always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any School Section, on their application, authority to borrow any sum, or sums, of moneys which may be necessary for the purposes herein mentioned, in respect to School Sites, School Houses, and their appendages, or for the purchase, or erection, of a Teacher's Residence, and cause to be levied upon the taxable property in such School Section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.

To authorize a loan, at its discretion, for the purchase and erection of school buildings.

Secondly. To levy, at its discretion, such sum, or sums, as it shall judge expedient for procuring the Site and for the erection and support of a Township Model School, and for purchasing Books for a Township Library, under such Regulations as shall be provided according to law:

To establish a Township Model School, at its discretion.

Provided always, that the Members of the Township Municipality shall be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School; Provided also, that the Trustees of any one, or more, Common Schools shall have authority, at their discretion, and with the consent of such Council, to merge their School, or Schools, into such Model School; and provided likewise, that tuition to student-teachers in such Model School shall be free.

Members of the Township Councils to be Trustees of such Model School. One or more Common Schools may be merged into the Model School.

Thirdly. To form portions of the Township, where no Schools have been established, into School Sections; to appoint a person in each new School Section to call the first School Section Meeting; and to cause such person to be notified in the manner prescribed in the Fourth Section of this Act.

To form new school sections.

Fourthly. To alter any School Section already established, and to unite two, or more, School Sections into one, at the request of the majority of the [resident] *freeholders, or* householders, in each of such Sections, expressed at a public Meeting called by the Trustees for that purpose:

To alter and unite school sections under certain conditions.

Provided always, (1,) That the first election of Trustees in such Section, consisting of two, or more, Sections united, shall be appointed and held in the same manner as is provided for in the Fourth Section of this Act in respect to a new School Section: Provided—

First meeting for the election of Trustees in an united section.

(2,) *Secondly*, that any alteration in the boundaries of a School Section shall not go into effect before the [first of January next] *twenty fifth day of December*

Alterations in school sections not to go into

effect before the 25th December, after alteration. All parties concerned to be apprized of intended alterations in school sections.

next after the time when it shall have been made; nor shall any step be taken towards the alteration of the boundaries of any School Section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step, or application: Provided—

Privileges of altered sections secured.

(3,) *Thirdly*, that the several parts of such united, or altered, School Sections shall have the same claim to a share of the Common School Fund, to which they would have been entitled, had they not been altered, or united: and provided—

Disposal and application of property of altered school sections.

(4,) *Fourthly*, that any School Site, or School House, or any other school property, which shall not be required, in consequence of such alterations, or union of School Sections, shall be disposed of, by sale, or otherwise, in such a manner as a majority of the [resident] *freeholders, or* householders, in the altered, or united, School Sections shall think proper, at a public Meeting called for that purpose, and the proceeds shall be applied to the erection of a new School-house, or other Common School purposes of such united or altered Sections; except that the inhabitants transferred from one School Section to another, shall be entitled, for the Common School purposes of the Section to which they are attached, to such a proportion of the proceeds of the disposal of such School House, or other Common School property, as the assessed value of their property bears to that of the other inhabitants of the School Section from which they shall have been separated: Provided—

Union school sections formed and altered by Townreeves and Local Superintendents.

(5,) *Fifthly*, that Union School Sections, consisting of parts of two, or more, Townships, may be formed and altered, (under the conditions prescribed in this clause in respect to alterations of other School Sections,) by the Reeves and Local Superintendent, or Superintendents, of the Townships out of parts of which such Sections are proposed to be formed, at a Meeting appointed for that purpose by any two of such Town Reeves; of which Meeting the other party, or parties, authorized to act with them shall be duly notified; Provided—

(6,) *Sixthly, that each Union School Section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one School Section, and shall be considered, in respect to superintendence and taxing for the erection of a School House as belonging to the Township in which the School House may be situated.*

Copies of certain proceedings to be furnished.

Fifthly. To cause the Clerk of such Township, to furnish the Local Superintendent of Schools with a copy of all the proceedings of such Council relating to the formation, or alteration, of School Sections, all School Assessments and other educational matters.

May establish separate schools for Protestants Roman Catholics and Coloured People.

XIX. *And be it enacted*, That it shall be [lawful for the Municipality of any Township, if it judge expedient] *the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town or Incorporated Village, on the application, in writing, of twelve, or more, resident heads of families*, to authorize the establishment of one, or more, Separate Schools for Protestants, Roman Catholics, or Coloured People, and, in such case, it shall prescribe the limits of the divisions, or Sections, for such Schools, and shall make the same provision for the holding of the first Meeting for the election of Trustees of each such separate School, *or Schools*, as is provided in the Fourth Section of this Act for holding the first School Meeting in a new School Section:

Manner of electing Trustees in such separate school sections.

Provided always, That each such Separate School shall go into operation at the same time with alterations in School Sections, and shall be under the same Regulations, in respect to the persons for whom such School is permitted to be established, as are Common Schools generally: Provided *Secondly*, that none but Coloured People shall be allowed to vote for the election of Trustees of the Separate School for their children, and none but the parties petitioning for the establishment of, or sending children to a Separate Protestant, or Roman Catholic, School, shall vote at the election of Trustees of such School: Provided *Thirdly*, That each such Separate Protestant, or Roman Catholic, [School shall be entitled to share in the School Fund according to the number of children of the Religious class, or persuation, attending such School, as compared with the whole number of children of School age, (5 to 16 years,) in the Township; and the Separate School for children of Coloured People shall share in the School Fund according to the number of such children of school age resident in such School Section of School age resident in the Township] *or Coloured, School, shall be entitled to share in the School Fund according to the average attendance of pupils attending each such Separate School, (the mean attendance of pupils for both Summer and Winter being taken,) as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village, or Township: Provided Fourthly, that no Protestant Separate School shall be allowed in any School division except when the Teacher of the Common School is a Roman Catholic, nor shall any Roman Catholic Separate School be allowed except when the Teacher of the Common School*

And of apportioning school moneys to them.

is a Protestant. Provided *Fifthly*, that the Trustees of the Common School Sections within the limits of which such Separate School Section, or Sections, shall have been formed, shall not include the children attending such Separate School, or Schools, in their return of children of school age residing in their School Sections. Proviso as to certain returns.

XX. *And be it enacted*, That, whenever the majority of the resident householders of the several School Sections of any Township at public meetings called by Trustees for that purpose, shall desire to abolish local School Section divisions, and have all their Schools conducted under one (Township) system, and one management, like the Schools in Cities and Towns, the Municipality of such Township shall have authority to comply with their request thus expressed, by passing a By-law to that effect; and all the Common Schools of such Township shall be managed by one Board of Trustees,—one of whom shall be chosen in and for each Ward of the Township, if the Township be divided into Wards, and if not, then the whole number shall be chosen in and for the whole Township, and invested with the same powers, and subject to the same obligations, as are provided and required, in respect to Trustees in Cities and Towns, by the Twenty-Fourth Section of this Act.* May unite all the school sections in a Township under the management of one Board of Trustees, at the request of a majority of the sections concerned.

IV. Councils and Trustees in Cities, Towns, and Incorporated Villages.

XXI. *And be it enacted*, That the Council, or Common Council, of each City, or incorporated Town, in Upper Canada, shall be, and is hereby, invested, within its limits and liberties, as prescribed by law, and shall be subject to the same obligations as are the Municipal Council of each County, and the Municipality of each Township, by the Eighteenth and Twenty-Seventh Sections of this Act: Provided nevertheless, that the appointment of the Local Superintendent of Schools for such City, or Town, shall be made by the Board of School Trustees of such City, or Town. Powers of Municipal Councils in Cities and Towns.

XXII. *And be it enacted*, That in each Ward, into which any City, or Town, is, or shall be divided, according to law, two fit and proper persons shall be elected School Trustees by a majority of all the [resident] *taxable* inhabitants of such Ward; one of which Trustees, (to be determined by lot, at the first Trustee meeting after their election,) shall retire from office on the second [Tuesday] *Wednesday* of January following his election; and the second of whom shall continue in office one year longer, and until his successor is elected; and the persons thus elected shall form one Board of School Trustees for such City, or Town. Two Trustees to be elected in each ward of Cities and Towns. Mode of retiring from office. Persons thus elected to form a Board of Trustees.

XXIII. *And be it enacted*, That, on the second Wednesday in January of each year, at the time prescribed by the Second Section of this Act, one fit and proper person shall be elected Trustee in each Ward of every City and Town, and shall continue in office two years, and until his successor is elected: Provided always, that such election shall be held at the place where the last municipal election was held for such Ward, and under the direction of the same Returning Officer, or, in his default, of such Person as the electors present shall choose; and such election shall be conducted as an ordinary municipal election in each Ward of such City, or Town. One Trustee to be elected in each ward of a City or Town, the second Wednesday in January of each year. Mode of holding such election.

XXIV. *And be it enacted*, That the Board of School Trustees for each City and Town, shall be a Corporation, under the name of "The Board of School Trustees of the City, (or Town) of ———— in the County of————;" (the first meeting thereof may be called in the City, or Town, Council-room by any Trustee), and it shall be the duty of such Board,— To be a Corporation. Duties of the Board of Trustees in each City or Town.

Firstly. To appoint annually, or oftener, a Chairman, Secretary, Superintendent of Schools, and one, or more, Collectors of School Rates, (if required); and to appoint the times and places of their meetings, and the mode of calling them, of conducting and recording their proceedings, and of keeping all their School accounts. To appoint certain officers.

Secondly. To take possession of all Common School property, and to accept, and hold as a Corporation, all property which may have been acquired, or given, for Common School purposes in such City, or Town, by any title whatsoever; to manage, or dispose of, such property, and all moneys, or income, for Common School purposes, until the power hereby given shall be taken away, or modified, by law, and to apply the same, or the proceeds, to the objects for which they have been given, or acquired. To hold School Property.

Thirdly. To do whatever they may judge expedient with regard to purchasing, or renting, School Sites and Premises; Building, repairing, furnishing, warming and keeping in order the School House, or School Houses, and its, or their appendages, lands, enclosures and moveable property; for procuring suitable Apparatus and Text Books; and for the establishment and maintenance of a School Library, or School Libraries. To make all needful provisions in respect to Common School premises, text-books.

* The great advantage of a Township over a local "Section" system of Schools is fully set forth in the *Journal of Education* for November, 1872.

To determine the number and kind of Schools; employ Teachers.

Fourthly. To determine the number, Sites, kind and description of Schools which shall be established and maintained in such City, or Town; the Teacher, or Teachers, who shall be employed, the terms of employing them, and amount of their remuneration, and the duties which they are to perform; the salary of the Superintendent of Schools appointed by them and his duties; and to adopt, at their discretion, such measures as they shall judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one, or more, of the Common Schools of the City, or Town, with such Grammar School.

To appoint a committee of three to take the special charge of each school.

Fifthly. To appoint annually, or oftener, if they shall judge expedient, for the special charge, oversight, and management of each School within such City, or Town, and under such Regulations as they shall think proper to prescribe, a Committee of not more than three persons for each School.

To make an estimate of the expenses of the Schools.

Sixthly. To prepare, from time to time, and lay before the Municipal Council of such City, or Town, an Estimate of the sum, or sums, which they shall judge expedient, for paying the whole, or part, of the salaries of Teachers; for purchasing, or renting, School Premises; for building, renting, repairing, warming, furnishing and keeping in order the School-Houses and their appendages and grounds; for procuring suitable apparatus and Text-Books for the Schools; for the establishment and maintenance of School Libraries; and for all the necessary expenses of the Schools under their charge; and it shall be the duty of the Common Council, or Council, of such City, or Town, to provide such sum, or sums, in such manner as shall be desired by said Board of School Trustees.

The Municipal Council to provide for such expenses.

To levy school rate bills at their discretion.

Seventhly. To levy, at their discretion, any rates upon the parents, or guardians, of children attending any School under their charge; and to employ the same means for collecting such Rates, as Trustees of Common Schools in any Township may do under the Twelfth Section of this Act:

The sums thus collected to be paid into the hands of the Chamberlain or Treasurer.

Provided always, that all moneys thus collected shall be paid into the hands of the Chamberlain, or Treasurer, of such City, or Town, for the Common School purposes of the same, and shall be subject to the order of the said Board of School Trustees.

To give orders for the payment of Teachers.

Eighthly. To give orders to Teachers and other School Officers and creditors upon the Chamberlain, or Treasurer, of such City, or Town, for the sum, or sums, which shall be due them.

To call annual or special School Meetings.

Ninthly. To call and give notice of annual and special School Meetings of the taxable inhabitants of such City, or Town, or of any Ward in it, in the same manner and under the same Regulations as are prescribed in the Twelfth Section of this Act, for the appointment of annual and special School Meetings in the School Sections of Townships:

Continuance in office of persons elected to fill vacancies.

Provided always, that any person elected at any special Ward School Meeting, to fill a vacancy which shall have occurred in the Board of Trustees, from any cause whatever, shall hold office only during the unexpired part of the term for which the person whose place shall have become vacant, was elected to serve.

To see that the pupils are duly supplied with proper text books.

Tenthly. To see that all the pupils in the Schools are duly supplied with a uniform series of authorized Text Books; to appoint a Librarian, and take charge of the School Library, or Libraries, whenever established.

To have their Schools conducted according to law.
To prepare and publish annual School reports.
To prepare and transmit an annual report to the Chief Superintendent of Schools.
Contents of such report.

Eleventhly. To see that all the Schools under their charge are conducted, according to the Regulations authorized by law; and, at the close of each year, to prepare and publish, in one, or more, of the public papers, or otherwise, for the information of the inhabitants of such City, or Town, an Annual Report of their proceedings; and of the progress and state of the Schools under their charge; of the receipts and expenditure of all school moneys; and to prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Education, a Report, signed by a majority of the Trustees, and containing all the information required in the Reports of Common School Trustees, by the Twelfth Section of this Act, and any additional items of information which may be lawfully required, and made according to a Form which shall be provided for that purpose by the Chief Superintendent of Education.

Powers of municipal councils in incorporated villages.
First election of trustees in such villages, the second Wednesday in January, 1851.

XXV. *And be it enacted*, That the Municipality of every Incorporated Village, shall possess and exercise all the powers, and be subject to all the obligations, with regard to the levying and raising of moneys for Common School purposes, and for the establishment and maintenance of School Libraries, within the limits of such Incorporated Village, as are conferred and imposed by this Act upon the Municipal Corporations of Cities:

Provided always, that, on the second [Tuesday] *Wednesday* in January, One Thousand Eight Hundred and Fifty-one, (1851,) in each such Incorporated Village, at the place of the then last annual election of Councillors, there shall be a Meeting of the taxable inhabitants of such Incorporated Village, and which Meeting shall be organized and conducted in the same manner as is prescribed in the Twenty-third Section of this Act, for the conducting of annual School Meetings in the Wards of Cities and Towns; and, at such Meeting, six fit and proper persons, from among the resident freeholders, or householders, shall be elected School Trustees for such Incorporated Village; and the persons thus chosen shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three; the first class shall hold office one year, the second class two years, and the third class three years, and until their successors are elected; but each Trustee retiring from office shall be eligible to be re-elected with his own consent: Provided *Secondly*, that there shall be a like School Meeting annually in each such Incorporated Village, at which two persons shall be chosen Trustees, in the place of the two retiring from office, and shall continue in office two years, and until their successors are elected: Provided *Thirdly*, that the first annual School Meeting in each Incorporated Village, shall be called by the Town-reeve of such Village, who shall cause notices to be posted in at least six public places of such Village, at least six days before the time of holding such Meeting.

How such election to be held and conducted.

Six Trustees to be elected in each Incorporated Village.

Mode of retirement from office

Two Trustees to be elected at each ensuing annual school meeting.

Mode of calling calling the first annual school meeting.

XXVI. *And be it enacted*, That the Trustees elected in each Incorporated Village, according to the provisions of the preceding Section, shall succeed to all the rights, powers, obligations and liabilities of the present Trustees of such Incorporated Village, and shall be a Corporation under the title of the "Board of School Trustees of the Incorporated Village of———, in the County of———;" and shall possess all the powers, and be subject to all the obligations, within the limits of such Incorporated Village, as are conferred and imposed by the Twenty-fourth Section of this Act, upon the Trustees of Cities and Towns.

The trustees thus elected in each incorporated village to succeed to all the rights, obligations of the present trustees.

To be a corporation.

Their powers, obligations, and duties the same as those of trustees in cities and towns.

V. Powers and Duties of County Municipal Councils.

Duties of county councils.

XXVII. *And be it enacted*, That it shall be the duty of the Municipal Council of each County:—

To raise by assessment in each year, a sum equal to the Legislative School grant apportioned to such county.

Firstly. To cause to be levied in each year upon [such County collectively, or upon] the several Townships *of such County*, [separately, as it shall deem expedient] such [a] sum, or sums, of money for the payment of the salaries of legally qualified Common School Teachers as shall, at least, be equal, (clear of all charges of collection,) to the amount of school money apportioned to [such County, or to] the several Townships thereof for such year, by the Chief Superintendent of Education, as notified by him to such Council, through the County Clerk:

Provided always, that the sum, or sums, so levied, may be increased at the discretion of such Council, either to augment the County School Fund, or to give special, or additional, aid to new, or needy School Sections, on the recommendation of one, or more, Local Superintendents: Provided also, that the sum required to be levied in such County in each year, for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer, on, or before, the Fourteenth day of December; and provided likewise, that, in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, be refused the payment of the sum to which he may be entitled from such years' County School Fund, but the County Treasurer shall pay any local Superintendents' lawful order in behalf of such Teacher, in anticipation of the payment of the County School Assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.

Such sum may be increased at the discretion of the council; and the additional sum raised may be disposed of at the pleasure of the council, to aid poor chool secti ons or increase the county school fund.

Time for the payment of the county school assessment.

No teacher to be refused the payment of his due, on account of the non-collection of any part of the county school assessment.

Secondly. To raise by assessment, such sum, or sums, of money, as it shall judge expedient, for the establishment and maintenance of a County Common School Library.

To raise money for County Common School Library.

Thirdly. To appoint annually, a Local Superintendent of Schools for the whole County, or for any one, or more, Townships in such County, as it shall judge expedient; to fix, (within the limits prescribed by the Thirtieth Section of this Act), and provide for the salary, or salaries, of such Local Superintendent, or Superintendents:

To appoint local Superintendents of Schools, and provide for their salaries.

Provided always, that no such local Superintendent shall have the oversight of more than One Hundred Schools; and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Education of the appointment and address of each such Local Superintendent, and of the County Treasurer; and shall

No local Superintendent to have charge of more than 100 schools.

County clerk to notify the Chief

Superintendent of Schools of the names and address of local Superintendents, also of the name and address of the County Treasurer.

likewise furnish him with a copy of all proceedings of such Council, relating to School assessments and other educational matters.

To secure all school moneys. To see that no deduction be made from the county common school fund. To appoint a sub-treasurer of school moneys at its discretion.

Fourthly. To see that sufficient security be given by all Officers of such Council to whom School moneys shall be entrusted; to see that no deduction be made from the School Fund by the County Treasurer, or Sub-treasurer, for the receipt and payment of School moneys; to appoint, if it shall judge expedient, one, or more, Sub-treasurers of School moneys, for one, or more, Townships of such County:

Provided always, that each such Sub-treasurer shall be subject to the same responsibilities and obligations, in respect to the accounting for School Moneys and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County, for which he is appointed Sub-treasurer, as are imposed by this Act upon each County Treasurer, in respect to the paying and accounting for School Moneys.

To cause the school accounts to be audited.

Fifthly. To appoint annually, or oftener, Auditors, whose duty it shall be to audit the accounts of the County Treasurer, and other Officers to whom School Moneys shall have been intrusted, and report to such Council; and the County Clerk shall transmit to the Chief Superintendent of Education, on or before the First day of March in each year, a certified copy of the abstract of such report, and also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent.

County Clerk to transmit to the Chief Superintendent an abstract of such accounts.

VI. Constitution and Duties of the County Boards of Public Instruction.

Trustees of the county grammar school and local superintendents to constitute a county board of public instruction. More than one county board may be appointed in certain cases.

XXVIII. *And be it enacted*, That the Board of Trustees for the County Grammar School and the Local Superintendent, or Superintendents, of Schools in each County, shall constitute a Board of Public Instruction for such County:

Provided always, that where there is more than one Grammar School in a County, the County Council shall have authority to divide such County into as many School Circuits as there are County Grammar Schools, and the Trustees of each County Grammar School and the Local Superintendent, or Superintendents, of Schools in each such Circuit, shall be a Board of Public Instruction for such Circuit: Provided also, that at any lawful Meeting of such Board, not less than three Members, including a Local Superintendent of Schools, shall constitute a Quorum for examining and giving Certificates of Qualification to Common School Teachers, and not less than five Members shall constitute a Quorum for the transaction of any other business: Provided likewise, that the incidental expenses connected with the Meeting and proceedings of each County Board of Public Instruction shall be provided for by the Municipal Council of such County.

Three (including a superintendent) to be a quorum for the examination of teachers—five for other purposes.

Incidental expenses to be defrayed by the county council.

Duties of each county board of public instruction.

XXIX. *And be it enacted*, That it shall be the duty of each County Board of Public Instruction:—

To meet quarterly.

Firstly. To meet not less than four times a year; to determine the time and places of its own meetings, and the order of its proceedings, and the manner of recording them.

To examine and give certificates of qualification to teachers.

Secondly. To examine and give Certificates of Qualification to Teachers of Common Schools, arranging such Teachers into three classes, according to their attainments and ability, as shall be prescribed in a Programme of Examination and Instructions to be provided according to law; also to annul any such Certificate as it shall deem expedient:

Teacher must give proof of good moral character; must be a British subject. Certificate may be general or limited. Must have the signature of one Local Superintendent of Schools.

Provided always, that no Certificate of Qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character; nor to any person who shall not, at the time of applying for such Certificate of Qualification, be a natural born, or naturalized, subject of Her Majesty, *or who shall not produce a Certificate of having taken the Oath of Allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident; and all Justices of the Peace are hereby authorized to administer such Oath of Allegiance*: Provided also, That any such Certificate of Qualification, shall, in general, as regards the County, or limited as to time, or place, at the pleasure of the majority of the Members of the County Board of Public Instruction present at such Examination: Provided likewise, that every such Certificate shall have the signature of at least one local Superintendent of Schools.

To select text-books for schools from the general authorized list. To facilitate the procuring of such books.

Thirdly. To select, (if deemed expedient), from a list of Text Books recommended, or authorized, by the Council of Public Instruction, such Books as they shall think best adapted for the use of the Common Schools of such County, or Circuit: and to ascertain and recommend the best facilities for procuring such Books.

To provide for the establishment of a county school library.

Fourthly. To adopt all such lawful means in their power, as they shall judge expedient, to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in such County, or Circuit.

To promote the interests of schools and the diffusion of useful knowledge generally.

VII. Duties of Local Superintendents of Schools.

Local Superintendent of Schools to be entitled to a remuneration of not less than one pound per school under h charge.

XXX. *And be it enacted*, That each Local Superintendent of Common Schools, appointed as provided for in the Twenty-seventh Section of this Act, shall be entitled, annually, to not less than *One pound currency*, (£1,) per School placed under his charge, together with any additional remuneration, or allowance, which the Council appointing him shall grant; and such Superintendent shall be paid the same in quarterly instalments by the County Treasurer.

To be paid quarterly by the treasurer of the county.

XXXI. *And be it enacted*, That it shall be the duty of each Local Superintendent of Schools:

Duties of Local Superintendents of Schools.

First. As soon as he shall have received from the County Clerk a notification of the amount of money apportioned to the Township, or Townships, within the limits of his charge, to apportion the same, (unless otherwise instructed by the Chief Superintendent of Education), among the several School Sections entitled to receive it, according to the rates of the average attendance of pupils attending each Common School, (the mean attendance of pupils for both Summer and Winter being taken), as compared with the whole average number of pupils attending the Common Schools of such Township.

To distribute the common school fund among the several school sections according to the ratio of attendance, unless otherwise directed.

Secondly. To give to any qualified Teacher, and to no other, on the order of the Trustees of any School Section, a cheque upon the County Treasurer, or sub-Treasurer, for any sum, or sums, of money apportioned and due to such School Section:

On the order of trustees to give cheques to teachers upon the county or sub-county treasurer for school moneys.

Provided always, that he shall not pay any such order of the Trustees of any School Section, from whom no satisfactory annual School Report shall have been received for the year ending the last day of the December preceding; nor unless it shall appear by such Report, that a School has been kept by a qualified Teacher in such Section for at least six months during the year ending at the date of such Report: Provided also, that the foregoing condition shall not apply to the order, or orders, of Trustees in any new School Section, for money apportioned and due to such Section.

Conditions of giving such cheques.

Such conditions not to apply to new school sections.

Thirdly. To visit each Common School within his jurisdiction, at least [twice a year, (once in the Summer and once in the Winter,) and oftner, if practicable] *once in each quarter*; and, at the time of each su h visit, to examine into the state and condition of the School, as respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the School Registers, the average attendance of pupils, the character and condition of the Building and premises, and to give such advice as he shall judge proper.

To visit each school at least once a-quarter.

Duties at such visitations.

Fourthly. To deliver in each School Section, at least once a-year, a Public Lecture on some subject connected with the objects, principles, and means of Practical Education; and to do all in his power to persuade and animate parents, guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and thus secure the universal and sound education of the young.

To deliver a public lecture in each School section at least once a-year.

Topics of such lecture.

Other duties.

Fifthly. To see that all the Schools are managed and conducted according to law; to prevent the use of unauthorized, and to recommend the use of authorized Text Books in each School; to acquire and give information as to the manner in which such authorized Text Books can be obtained, and the economy and advantages of using them.

To enforce the law.

To recommend the use of authorized Text books; and to facilitate the the procuring of them.

Sixthly. To attend the Meetings of the County Board of Public Instruction; to meet and confer with the Chief Superintendent of Education at such time and place as he may appoint, when making an Official Visit to such County, for the promotion of the interests of Education.

To attend the meetings of the county Board of Public Instruction. To meet and confer with the Chief Superintendent of Schools in his official visits to such county.

Seventhly. To attend the Arbitrations, and to meet the Townreeves, as provided for in the Twelfth and Eighteenth Sections of this Act; to decide upon any other questions of difference which may arise between interested parties under the operation of this, or any preceding School Act, and which may be submitted to him;

To attend arbitrations for the settlement of certain questions of dispute.

To decide upon other questions of dispute at his discretion.

Provided always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Education: Provided also, that any aggrieved, or dissatisfied, party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Education.

Or (proviso) refer them to the Chief Superintendent of Schools.

Proviso: aggrieved or dissatisfied parties may appeal in certain cases.

To suspend certificates of qualification in certain cases.

The cancelling or suspension of a teacher's certificate of qualification, to release his trustees from obligation to continue him in their employment.

Eighthly. To suspend the Certificate of Qualification of any Teacher, for any cause which shall appear to him to require it, until the next ensuing Meeting of the County Board of Public Instruction, where the case shall be disposed of, in such manner as a majority of the Members present shall think proper:

Provided always, that due notice shall be given to the Teacher suspended, of such Meeting of the County Board: Provided also, that the cancelling, or suspension, of a Teacher's Certificate of Qualification, shall release his School Trustees from any obligation to continue him in their employment.

Ninthly. To act in accordance with the Regulations and Instructions which shall be provided according to law; to give any information in his power, (when desired), to the Chief Superintendent of Education, respecting any Common School matter within his jurisdiction; to furnish the County Auditors, when required, with the Trustees' orders, as the authority for his cheques upon the County, or Sub-Treasurer, for School moneys; to deliver copies of his Official Correspondence and all School Papers in his custody, to the order of the County Council, on retiring from office.

To observe all lawful regulations and instructions in the discharge of his duties. To give information to the Chief Superintendent when desired.

Tenthly. To prepare and transmit to the Chief Superintendent of Education, on, or before, the first day of March, an Annual Report, which shall be in such form as shall be provided by the said Chief Superintendent and which shall state:—

To account to the county auditors.

1st.—The whole number of Schools and School Sections, or parts of Sections, in each Township within his jurisdiction.

To prepare and transmit an annual school report to the Chief Superintendent.

2nd.—The number of pupils taught in each School over the age of five and under the age of sixteen years; the number between the ages of sixteen and twenty-one years; the whole number of children residing in each School Section, or part of a Section, over the age of five and under the age of sixteen years.

Contents of such report.

Nature of Schools.

Whole number of children of school age.

3rd.—The length of time a School shall have been kept in each such Section, or parts of Sections, by a qualified Teacher; the branches taught, the number of pupils in each branch, and the Text Books used; the average attendance of pupils, both male and female, in Summer and Winter.

Time of keeping the schools open; branches taught.

Books used, average attendance.

4th.—The amount of moneys which have been received and collected in each School Section, or part of Section,—distinguishing the amount apportioned by the Chief Superintendent of Education, the amount received from County Assessment, the amount raised by Trustees, and the amount received from any other, and what source, or sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; the annual salary of Teachers, male and female, with and without board.

The amount of moneys received and expended.

5th.—The number of his, and other School, Visits during the year; the number of School Lectures delivered; the whole number of School Houses,—their sizes, character, furniture and appendages, the number rented, the number erected, during the year, and of what character, and by what means.

The number of School visits and lectures.

Of school-houses.

Of teachers.

6th.—The number of qualified Teachers, their standing, sex, and Religious Persuasion; the number, as far as he may be able to ascertain, of Private Schools, the number of pupils and subjects taught therein: the number of Libraries, their extent, how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he shall think proper to make, with a view to the improvement of Schools and diffusion of useful knowledge.

VIII. Common School Visitors and Their Duties.

Who shall be school visitors.

XXXII. *And be it enacted*, That all Clergymen recognized by law, of whatever Denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils and Aldermen, shall be School Visitors in the Townships, Cities, Towns and Villages where they shall respectively reside: Provided always, that persons holding the Commission of the Peace for the County only, shall not be School Visitors within Towns and Cities: Provided also, that each Clergyman shall be a School Visitor in any Township, Town, or City, where he may have pastoral charge.

Proviso: as to county magistrates.

School visitors authorized to visit the schools, attend examinations, and examine into the state of each school.

XXXIII. *And be it enacted*, That it shall be lawful for each of said School Visitors, to visit, as far as practicable, all the Public Schools in such Township, City, Town, or Village; especially to attend the Quarterly Examinations of Schools, and, at the time of any such visit, to examine the progress of the pupils, and the state and management of the School, and to give such advice to the Teachers and pupils, and any others present, as he may think advisable, in accordance with the Regulations and Instructions which shall be provided in regard to School Visitors according to law:

Provided always, that a General Meeting of such Visitors may be held at any time, or place, which may be appointed by any two such Visitors, on sufficient notice being given to the other Visitors in the Township, City, Town, or Village: and it shall be lawful for such Visitors, thus assembled, to devise such means, as they may deem expedient, for the efficient visitation of the Schools, and to promote the establishment of Libraries and the diffusion of useful knowledge.

Proviso: General meetings may be called.

Duties and objects of such meetings.

IX. Duties of the Chief Superintendent of Education.

XXXIV. *And be it enacted*, That the Governor may, from time to time, by Letters Patent, under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Upper Canada, who shall hold his office during pleasure, and shall receive a salary of [——— pounds per annum] *the same amount as that now provided by law, or, as may hereafter be provided by law, for the Chief Superintendent of Education in Lower Canada;* and shall be responsible to, and subject to the direction of, the Governor-General, communicated to him through such Department of Her Majesty's Provincial Government, as, by the Governor, may be directed in that behalf; and shall account for the contingent expenses of his Office, as provided in respect of other Public Offices; and shall be allowed two Clerks, [the first of whom to receive —— pounds per annum, and the second —— pounds per annum] *who shall receive the same salaries as are, or shall be, by law attached to similar offices in the Education Law of Lower Canada*, to commence from the first of [January] *July*, One Thousand Eight Hundred and *Fifty*.

Chief Superintendent of Schools appointed.

His salary.

To account for the contingent expenses of his office.

To be allowed two clerks; their salaries.

XXXV. *And be it enacted*, That it shall be the duty of the Chief Superintendent of Education:

Duties of the Chief Superintendent.

Firstly. To apportion, annually, on, or before, the First day of May, all moneys granted, or provided, by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by this Act, to the several Counties, Townships, Cities, Towns and Incorporated Villages therein, according to the ratio of population in each, as compared with the whole population of Upper Canada; or, when the Census, or returns, upon which such an apportionment is to be made, shall be so far defective, in respect to any County, Township, City, Town, or Village, as to render it impracticable for the Chief Superintendent to ascertain from such data the share of School Moneys which ought then to be apportioned to such County, Township, City, Town, or Village, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment can be most fairly and equitably made, and make it accordingly.

To apportion all moneys granted by the legislature for the support of common schools, and in what ratio.

Secondly. To certify such apportionment made by him, to the Inspector-General, so far as it relates to the several Counties, Cities, Towns and Incorporated Villages in Upper Canada, and to give immediate notice thereof to the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys thus apportioned, will be payable to the Treasurer of such County, City, Town, or Village.

To certify such apportionment to the Inspector-General, and to the county clerks.

Thirdly. To prepare suitable Forms, and to give such Instructions as he shall judge necessary and proper, for making all Reports, and conducting all proceedings under this Act, and to cause the same, with such General Regulations, as shall be approved of by the Council of Public Instruction for the better Organization and Government of Common Schools, to be transmitted to the Officers required to execute the provisions of this Act.

To prepare suitable forms, for executing the law, and transmit them to local school officers.

Fourthly. To cause to be printed, from time to time, in a convenient form, so many copies of this Act, with the necessary Forms, Instructions, and Regulations to be observed in executing its provisions, as he may deem sufficient for the information of all Officers of Common Schools, and to cause the same to be distributed for that purpose.

To cause copies of the school law, regulations, to be printed and distributed as occasion may require.

Fifthly. To see that all moneys apportioned by him, be applied to the objects for which they were granted; and, for that purpose, to decide upon all matters and complaints submitted to him, (and not otherwise provided for by this Act,) which involve the expenditure of any part of the School Fund; and to direct the application of such balances of the School Fund, as may have been apportioned for any year and forfeited according to the provisions of this Act.

To see that all school moneys apportioned by him are duly applied according to law.

To direct the disposal of balances of such moneys in certain cases and under certain conditions.

Provided always, that such balances of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

To appoint a Deputy and special inspectors in certain cases.

Sixthly. To appoint one of his Clerks as his Deputy, to perform the duties of his Office, in case of his absence ; and to appoint one, or more, persons, as he shall, from time to time, deem necessary, to inspect any School, or examine into any School Matter, in the County where such person, or persons, reside, and report to him : Provided that no allowance, or compensation, shall be made to such special Inspector, or Inspectors, for any service, or services, performed by him, or them.

Duties in regard to the Normal School.

And text-books.

Seventhly. To take the general Superintendence of the Normal School ; and to use his best endeavours to provide for, and recommend, the use of uniform and approved Text Books in the Schools generally.

School libraries.

Plans of school-houses.

The collection and diffusion of useful knowledge.

Eighthly. To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns, and Villages ; to provide and recommend the adoption of suitable Plans of School-Houses, with the proper furniture and appendages ; and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.*

To submit to the Council of Public Instructions, books, manuscripts.

To lay before said Council, general regulations.

Ninthly. To submit to the Council of Public Instruction all Books, or Manuscripts, which may be placed in his hands with the view of obtaining the recommendation, or sanction, of such Council, for their introduction as Text Books, or Library Books ; And to prepare and lay before the Council of Public Instruction for its consideration, such General Regulations for the Organization and Government of Common Schools, and the Management of School Libraries as he shall deem necessary and proper.

To apportion moneys granted for the establishment of school libraries.

Proviso : Condition of sharing in such apportionment.

Tenthly. To apportion whatever sum, or sums, of money shall be provided by the Legislature for the establishment and support of School Libraries :

Provided always, that no aid shall be given towards the establishment, or support, of any School Library unless an equal amount be contributed and expended from local sources for the same object.

To appoint persons to conduct teachers' institutes, and prepare rules and instructions for regulating their proceedings.

Eleventhly. To appoint proper persons to conduct County Teachers' Institutes, and to furnish such Rules and Instructions as he shall judge advisable, in regard to the proceedings of such Institutes and the best means of promoting their objects, in elevating the profession of School Teaching and increasing its usefulness.

To account for moneys.

Twelfthly. To be responsible for all Moneys paid through him in behalf of the Normal and Model Schools, and to give such Security for the same as shall be required by the Governor [General]; and to prepare and transmit all Correspondence which shall be directed, or authorized, by the Council of Public Instruction for Upper Canada.

[*Thirteenthly.* To prepare forms of Annual Reports for all Colleges and Grammar Schools of Upper Canada, endowed out of the Public Lands, or receiving aid from the Public Funds of this Province. Provided always, that it shall be the duty of the authorities of such Colleges and Grammar Schools, to prepare and transmit such Reports, according to the forms prescribed, to the Chief Superintendent of Education on, or before, the first day of March in each year]

To report annually to the Governor on certain matters.

Thirteenthly. To make annually to the Governor, on, or before, the first day of [June] *July*, a report of the actual state of the [University of Toronto, of the several Colleges, and Grammar Schools and of] Normal, Model and Common Schools throughout Upper Canada, showing the amount of moneys expended in connection with each, and from what sources derived, with such statements and suggestions for improving the [Grammar and] Common Schools [or the] *and the Common* School Laws, and promoting education generally, as he shall deem useful and expedient.

X. Constitution and Duties of the Council of Public Instruction.

Council of Public Instruction for U. C.

To consist of nine persons including the Chief Superintendent.

XXXVI. *And be it enacted*, That the Governor shall have authority to appoint not more than nine Persons, (of whom the Chief Superintendent of Education shall be one,) to be a Council of Public Instructions for Upper Canada, who shall hold their office during pleasure, and shall be subject, from time to time, to all lawful orders and directions in the exercise of their duties, which shall, from time to time, be issued by the Governor.

* The duties devolved upon the Chief Superintendent of Education, by this Eighth clause of the Thirty-fifth Section of the Act, were fully discharged by him in the columns of the *Journal of Education for Upper Canada.* (This Journal was established by the Chief Superintendent in 1848, and was published during the remainder of his incumbency, which ceased in 1876.) The Journal was, however, discontinued by Order-in-Council in June, 1877.)

Mode of providing a place and defraying the expenses of the meetings of such Council; of calling the first meeting and any special meeting.

XXXVII. *And be it enacted*, That the Chief Superintendent of Education shall provide a place for the Meetings of the Council of Public Instruction, and shall call the first Meeting of the Council, and shall have authority to call a special Meeting at any time, by giving due notice to the other Members; that the expenses attending the proceedings of the said Council shall be accounted for by the Chief Superintendent of Education as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education Office shall be Recording Clerk to the said Council, shall enter all its proceedings in a Book to be kept for that purpose, shall, as may be directed, procure the Books and Stationery for the Normal and Model Schools, and shall keep all the acco nts of the said Council; [and shall be entitled, for these services to a remuneration of not less than Twenty-five pounds, (£25,) per annum]

Senior Clerk in the Education Office to be Recording Clerk to the Council.

His duties.

Duties of the Council of Public Instruction.

XXXVIII. *And be it enacted*, That it shall be the duty of the said Council of Public Instruction, ([five] *three* Members of which, at any lawful Meeting, shall form a Quorum for the transaction of business) :

To regulate its own proceedings.

First. To appoint a Chairman, and establish the times of its Meetings, and the mode of its proceedings, which Chairman shall be entitled to a second, or casting vote, in cases of an equality of votes on any question.

To do all things necessary for the permanent establishment and efficiency of the Normal School.

Secondly. To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, containing one, or more, Model Schools, for the instruction and training of Teachers of Common Schools in the Science of Education and Art of Teaching.

To make rules for the management and government of the Normal School; to prescribe the terms of admission.

Thirdly. To make, from time to time, the Rules and Regulations necessary for the Management and Government of such Normal School; to prescribe the terms and conditions on which students shall be received and instructed therein; to select the location of such School, and erect, or procure, and furnish, the Buildings therefor; to determine the number and compensation of [Professors,] *Teachers*, and all others who may be employed therein; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such Normal School.

To erect or procure and furnish Normal School buildings.

To appoint teachers.

To make regulations for the organization and government of of common schools generally.

Fourthly. To make such Regulations, from time to time, as it shall deem expedient for the Organization, Government and Discipline of Common Schools; the classification of *Schools and* Teachers, and for School Libraries throughout Upper Canada.

To examine and recommend books for schools and for school libraries; Proviso: To account annually.

Fifthly, To examine, and, at its discretion, recommend, or disapprove, of Text Books for the use of Schools, or Books for School Libraries:

Provided always, that no portion of the Legislative School Grant shall be applied in aid of any School in which any Book is used that has been disapproved of by the Council, and public notice given of such disapproval.

Sixthly. To transmit annually, through the Chief Superintendent of Education, to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all monies granted for the establishment and support of the Normal School.

XII. Miscellaneous Financial Provisions.

£1,500 per annum granted for the Normal School.

£1,000 per annum to facilitate the attendance of teachers in training.

XXXIX. *And be it enacted*, That a sum not exceeding Fifteen Hundred pounds, (£1,500,) per annum shall be allowed out of the Legislative School Grant for the salaries of Officers and other contingent expenses of the Normal School; and that a sum not exceeding One Thousand pounds, (£1,000,) per annum be allowed out of the said grant to facilitate the attendance of Teachers in-training at the Normal School, under such Regulations as shall from time to time, be adopted by the Council of Public Instruction.

What monies to constitute the common school fund.

Conditions of its apportionment.

XL. *And be it enacted*, That the sum of money apportioned annually by the Chief Superintendent of Education to each County, Township, City, Town, or Village, and at least an equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town, or Village, and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools:

Provided always, that no County, City, Town, or Village, shall be entitled to a share of the Legislative School Grant without raising by assessment, a sum at least equal, (clear of all charges for collection,) to the share of the said School Grant apportioned to it: and provided also, that should the Municipal Corporation of any County, City, Town, or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Education shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town, or Village, in the following year.

Certain sums to be expended for the establishment of school libraries, under certain regulations.

£3,000.

XLI. *And be it enacted*, That it may, and shall, be lawful for the Governor-in-Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding Three Thousand pounds, (£3,000,) for the establishment and support of School Libraries, under such Regulations as are provided for by this Act; of a sum not exceeding Twenty-five pounds, (£25,) in any County, or Riding, for the encouragement of a Teachers' Institute, under the Regulations hereinbefore provided; and of a sum not exceeding [One] *Two* Hundred pounds, (£200,) in any one year to procure Plans and Publications for the improvement of School Architecture and Practical Science in connexion with the Common Schools:

Proviso: the amount heretofore appointed in aid of common schools not to be lessened.

Provided always, that the amount heretofore apportioned in aid of Common Schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada, out of the said Grant, in consideration of the increase of its population, in proportion to that of the whole Province

The moneys apportioned annually in aid of common schools to be payable the first day of July.

XLII. *And be it enacted*, That the sum of money annually apportioned in aid of Common Schools in the several Counties, Cities, Towns and Villages in Upper Canada, shall be payable on, or before, the first day of July, in each year, to the Treasurer of each County, City, Town and Village, in such way as the Governor-in-Council shall, from time to time, direct.

Protection of common school fund against loss.

XLIII. *And be it enacted*, That, if any part of the Common School Fund shall be embezzled, or lost, through the dishonesty, or faithlessness, of any party to whom it shall have been entrusted, and proper security against such loss shall not have been taken, the person, or persons, whose duty it was to have exacted such security, shall be responsible for the sum, or sums thus embezzled, or lost, and the same may be recovered from them by Civil suit in any Court of Law, having jurisdiction, to the amount claimed, by the party, or parties, entitled to receive such sum, or sums, or at the suit of the Crown.

Proviso as to Secretary-Treasurer.

Provided always, that if any Secretary-treasurer appointed by the School Trustees of any school division, or any person having been such Secretary-treasurer, and having in his possession any Books, Papers, Chattels, or Moneys, which shall have come into his possession, as such Secretary-treasurer, shall wrongfully withhold, or refuse to deliver up, or to account for and pay over the same, or any part thereof, to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding, or refusal, shall be a misdemeanor; and, upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding, or refusal, made by them before some Justice of the Peace to the Judge of the County Court, such Judge shall, thereupon, make an order that such Secretary-treasurer, or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any Division Court, be personally served on the party complained against, or left with a grown up person at his residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of do, or do not, appear, hear the complaint; and, if he shall be of opinion, that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the Books, Papers, Chattels, or Moneys, as aforesaid, by a certain day, to be named by the Judge in such order, together with reasonable costs incurred in making such application, as the Judge may tax, and, in the event of a noncompliance with the terms specified in the said order, or any, or either, of them, then to order the said party to be forthwith arrested by the Sheriff of the County in which such party shall be found, and be, by him, committed to the Common Gaol of his County, there to remain without bail, or mainprize, until such Judge shall be satisfied that such party has delivered up, accounted for, or paid over, the Books, Papers, Chattels, or Moneys, in question in the manner directed by the majority of the Trustees, as aforesaid, upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged accordingly; Provided always, that no proceeding under this proviso shall be construed to impair, or affect, any other remedy which the said Trustees may have against such Secretary-treasurer, or person having been such, or his Sureties.

Withholding to be a misdemeanor.

Mode of procedure.

Judge to order the party to deliver Books, etcetera.

Penalty.

Certificate of qualification for Upper Canada granted to teachers under certain circumstances.

XLIV. *And be it enacted*, That it may, and shall, be lawful for the Chief Superintendent of Education, on the recommendation of the [Professors] *Teachers* in the Normal School, to give to any Teacher of Common Schools a Certificate of Qualification which shall be valid in any part of Upper Canada, until revoked according to law;

Proviso.

Provided always, that no such Certificate shall be given to any person who shall not have been a Student in the Normal School, [during, at least, one Session].

XLV. *And be it enacted*, That no part of the salaries of the Chief Superintendent of Education, or Local Superintendents of Schools, nor of any other persons employed, or expenses incurred, in the execution of this Act, shall be paid out of the Common School Fund, which shall, wholly and without diminution, be expended in the payment of Teachers' salaries, as hereinbefore provided. Salaries of superintendents and exeenses incurred in the execution of the school law, now paid.

XLVI. *And be it enacted*, that any person who shall wilfully disturb, interrupt, or disquiet, the proceedings of any School Meeting authorized to be held by this Act, or any School established and conducted under its authority, shall, for each offence, forfeit for Common School purposes, to the School Section, City, Town, or Village, within the limits of which such offence shall have been committed, a sum not [less than] *exceeding* Five pounds, (£5), [nor more than Ten pounds, (£10)], and may be prosecuted before any Justice of the Peace, by any person whatever, and convicted on the oath of one credible witness other than the prosecutor, and, if convicted, the said penalty shall, if not forthwith paid, be levied with costs by distress and sale of goods and chattels of the offender, under a Warrant of such Justice, and paid over by him to the School Treasurer of such Section, City, Town, or Village ; or the said offender shall be liable to be [tried] *indicted* and punished *for the same*, as a misdemeanor. Punishment of persons disturbing meetings. Penalty.

XLVII. *And be it enacted*, That the first election of Trustees in all the Cities and Towns of Upper Canada, as provided for in the Twenty Second Section of this Act, shall commence at ten of the clock in the forenoon of the first Tuesday in [July] *September*, One Thousand Eight Hundred and Fifty, (1850), and that the places of election in the several Wards of each City, or Town, together with the name of the Returning Officer for each such Ward, shall be duly notified, by causing notices to be put up in at least three public places in each such Ward, and not less than six days before such election, by the Mayor of each City and Town respectively : Temporary provisions for holding the first elections in cities and towns.

Provided always, that the School Trustees then elected in each City and Town, shall be subject to all the obligations which have been contracted by the present School Trustees of such City, or Town ; and shall be invested with all the powers conferred by this Act on School Trustees of Cities and Towns for the fulfilment of such obligations, and for the performance of all other duties imposed by this Act, *and the word "County" shall include Union of Counties for Municipal purposes.*

XLVIII. And be it enacted, That the Interpretation Act shall apply to this Act ; that the word "Teacher" shall include Female as well as Male Teachers ; that the word "Townships" shall include Unions of Townships made for Municipal purposes ; and the word "County" shall include unions of Counties for municipal purposes. Interpretation clause.

[XLIX. *And be it enacted*, That the foregoing Sections of this Act shall have force and effect, upon, from and after the —, and not before]

ANNO TERTIO-DECIMO ET QUARTO-DECIMO: VICTORIÆ REGINÆ, CAPUT XLIX.

AN ACT TO REMOVE CERTAIN DOUBTS RESPECTING THE INTENTION OF THE ACT OF LAST SESSION OF THE PARLIAMENT OF THIS PROVINCE, FOR AMENDING THE CHARTER OF THE UNIVERSITY OF TORONTO, [AND FOR OTHER PURPOSES, ETCETERA].

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR GENERAL OF BRITISH NORTH AMERICA :

Passed on the 10th of August, 1850.

(NOTE.—Those parts of the original Bill on which the following Act is founded, which were omitted, or modified, by the Legislature are enclosed in square brackets ; the additions made to the Bill, in its passage through the Legislature, are printed in italic.)

WHEREAS, in the Preamble of the Act passed in the last Session of the Parliament of this Province, chaptered Eighty-two, and intituled : "An Act to amend the Charter of the University established at Toronto by his late Majesty, King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same and with the College and Royal Grammar School forming an Appendage thereof," the promotion of the Religious and Moral Improvement, as well as the Secular Education of the People of this Province is expressly set forth as the object of its enactment ; and, as a means of accomplishing such object in a community consisting of various Denominations of Christians, the necessity is asserted of having the said University entirely free in Preamble. Act of 1849,—12 Vict. chapter 82, cited. Intention of the said Act as to Religious Instruction.

its Government and Discipline from all Denominational bias, so that the just Rights and Privileges of all might be fully maintained without offence to the Religious Opinions of any ; and

Regard for conscientious scruples.

WHEREAS the said enactment originated in a sincere desire for the advancement of True Religion, and a tender regard for the conscientious scruples of all classes of professing Christians, which it sought to evince by affording to the different Religious Denominations the opportunity, and thereby pressing upon them the obligation, each in its own way and each according to its own Discipline, and in conformity with its own peculiar views of Religious Truth, of providing for the spiritual welfare and advancement in Religious Knowledge of the youth belonging to its own Communion, and not from any indifference to the importance of Religious duties, or of imparting Religious Knowledge in the education of youth ; And

To Remove Doubts.

WHEREAS, notwithstanding the distinct avowal of the principles on which the said Act was based, doubts have been raised as to the Christian character of the said Institution and of the powers of the University, by Statute, or otherwise, to make the necessary Regulations for insuring to its Members the opportunities of Religious Instruction and attendance upon Public Worship by their respective Ministers, and according to their respective forms of Religious Faith : And—

WHEREAS, for the satisfaction of all whose minds may have been disturbed by such doubts, it is desirable to declare, and—

Act of 1840.

Be it, therefore, accordingly declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled : "An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of the same

The intention of the said Act as to Religious Instructions declared, and provision made for giving effect to it, by Statute of an University.

and it is hereby declared, and enacted, by the authority of the same, that it hath been, and, at all times hereafter, shall be fully competent to, and for, the said University,—by Statute, either Visitatorial, or Senatorial, to be passed for that purpose, to make any Regulations that may be deemed expedient for the undergraduates and students attending Lectures in the said University, attending upon Public Worship in their respective Churches, or other places of Religious Worship, and receiving Religious Instruction from their respective Ministers, and according to their respective forms of Religious Faith, and that, not only shall every facility be afforded by the Authorities of the said University for such attendance on Religious

Facility for Religious Worship.

Worship, and such acquirement of Religious Knowledge, but, that no candidate for matriculation, or for any Degree, who shall, at the time of his application, be a student in any of the different Colleges, which shall be so far affiliated to the said University as to be entitled to appoint a Member to the Senate thereof, shall be received as a student, or admitted to a Degree in the said University without possessing such Religious requisites as may be prescribed by the constituted Authorities of the affiliated College to which he belongs, and which, according to his standing in such affiliated College, he shall, by the rules and [Statutes] *Regulations* thereof, be required to possess.

Proviso.

Provided always, nevertheless, *Firstly*, that no part of the funds of the said University shall be expended for any such purpose, but that it be left to the Authorities of each Denomination of Christians to provide for the Religious Instruction of its own adherents attending the said University, or members thereof ;

Proviso.

and provided also, *Secondly*, that nothing herein contained shall extend, or be construed to extend, to empower the said University, by Statute, or otherwise, to

By University Statute.

compel any person to become a member of such affiliated College as a condition precedent to his being matriculated, or admitted, to any Degree in the said University, or otherwise howsoever.

And by Statute of Upper Canada College.

II. And, for the like reason, it is hereby further declared and enacted by the authority aforesaid, that it hath been, now is, and, at all times hereafter, shall continue to be fully competent to, and for, the said College and Royal Grammar School of Upper Canada College, by Statute, either Collegiate, or Visitatorial, to be passed for that purpose, to make any similar Regulations for the like purposes and subject to the like limitations and restrictions.

Quorum.

III. And be it enacted, That notwithstanding anything in the said Act of Parliament contained, nine members of the Senate of the said University shall form a Quorum thereof for the despatch of business.

Caput in their Report under Section 24 of the Act of 1849 may report the names

IV. *And be it enacted*, that it shall at all times be lawful for the Caput of the said University, in reporting upon testimonials of candidates for any vacant Professorships, as directed by the Twenty-Fourth Section of the said Act, to report

also the names of any men of distinguished literary, or scientific, reputations whose accession to such Chair would, in their opinion, be an acquisition to the public character of the University as a Seat of Learning, and who they have ascertained, or have reason to believe, would accept of such, if offered to them; and, thereupon, the Senate of the said University, if they shall concur in that part of the Report of the said Caput, shall report the names of such Persons, or of those of them, with respect to whom they shall so concur with the Caput, to the Governor of the Province, with those of the three Candidates required to be transmitted to him by the said Twenty Fourth Section of the said Act, and, in every such case, it shall, and may, be lawful for the Governor, if he shall deem it expedient so to do, to appoint any one of those Persons to such Chair, who may be willing to accept thereof, instead of appointing to the same any of the three Candidates, whose names shall have been so transmitted to him, as aforesaid, anything in the said Twenty Fourth Section of the said Act to the contrary notwithstanding.

of eminent men who would accept the Chair; and, if the Senate concur, the Governor may, in his discretion appoint one of the men so reported.

V. *And be it enacted*, That it shall, and may, be lawful for Her Majesty, from time to time, by Letters Patent, under the Great Seal of the Province, to institute, establish and endow such, and so many, Regius Professorships in any of the Faculties of the said University, as She shall think fit, and, from time to time, by Letters Patent, under the Great Seal of the Province to appoint some fit and proper Person to such Regius Professorship; and to every such Professorship, and to the Person who shall fill the same, shall belong all and singular, the like rights, powers and privileges which shall be attached to, or be vested in, the other Professorships and Professors of the said University respectively:

The Crown may institute Regius Professorships with the same rights as granted to other Professorships.

Provided always, *Firstly*, That no such Regius Professorship [or Lectureship,] shall be so instituted without an endowment, either by charge on the public Provincial Revenue, or by invested capital in Land, or other Property, not at the time forming any part of the property of the said University, but sufficient to secure to the holder thereof an income equal, at least, to that of the smallest salary assigned by Statute of the said University to any of the Chairs on the foundation thereof in the same Faculty to which such Regius Professorship may be attached, or unless such Salary shall have been voted amongst the other annual votes for educational purposes upon the Estimates sent down to Parliament by the Crown; and provided also, *Secondly*, That every such Regius Professorship and Regius Professor shall be subject to all and singular the Statutes, Rules and Ordinances of the said University, *and be entitled to all and singular the same rights, powers and privileges*, as any other Professorship, or Professor, in the same; and Provided, also, *Thirdly*, That the appointment to all such Chairs shall be made by the Crown of its mere motion, and during its pleasure, without the necessity of any Report from the Caput, or Senate, as provided with respect to the Chairs on the foundation of the said University.

Proviso. An Endowment requisite.

Proviso.

Professor subject to Rules.

Proviso: appointment to be made *ex mero moter* and during pleasure.

VI. *And be it enacted*, That it shall, and may, be lawful for Her Majesty, from time to time, by Letters Patent, under the Great Seal of the Province, to found, institute, establish and endow such and so many Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University as She shall think fit, and to prescribe, in such Letters Patent, all such Rules and Regulations as She may think proper, for the appointing to, and conferring of, such Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, all which Rules and Regulations the Authorities of the said University are hereby required to observe and give effect to, as, in the said Letters Patent, shall be directed.

The Crown may institute and endow Lectureships.

VII. *And be it enacted*, That it shall and may be lawful for any person, or persons, bodies politic, or corporate, whomsoever, to found such, and so many, Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, as they may think proper, by providing a sufficient endowment in Land, or other Property, and conveying the same to the Chancellor, Masters and Scholars of the said University, in trust, for the said purpose, and, thereupon, suing out Letters Patent from the Crown, instituting, establishing, and endowing the same with the Property so provided for that purpose, as aforesaid, in all which Letters Patent shall be set forth such Rules and Regulations for the appointing to and conferring of such Professorships, Lectureships, Fellowships, Scholarships, Prizes, or other Rewards, as the respective Founders, thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose, all which Rules and Regulations the Authorities of the said University are hereby required to observe and give effect to, as, in the said Letters Patent, shall, be directed:

Private parties and Corporations may found and endow Professorships, and Lectureships, and sue out Letters Patents establishing the same

Proviso: such Professorships not to give a seat in the Senate.

Provided always, nevertheless, That none of such Professorships upon private foundation shall entitle the holder of the Chair of such Professorships, for the time being, to any seat in the Senate of the said University, or other share in the government thereof, *unless the same shall be especially conferred upon such Chair, or Professor by a Statute of the said University, either Visitatorial or Senatorial, to be passed for that purpose.*

Quorum of Senate may be fixed by Statute. (*Omitted*)

(*Omitted Section*)

[VIII. And be it enacted, That, notwithstanding anything in the said Act of Parliament contained, the said University of Toronto shall and may, from time to time, by Statute, either Visitatorial or Senataorial, to be passed for that purpose, provide, determine and direct, how many, and what, members of the Senate of the said University shall form a Quorum thereof, for the despatch of business: *Provided always*, nevertheless, that such Quorum shall not, by any such Statute, be made to consist of less than nine Members of such Senate.]

Section 12 of the Act of 1849 not to be affected.

VIII. *And be it enacted, That nothing in the three next preceding Sections of this Act contained shall affect, or be construed to affect in any way the Twelfth Section of the said recited Act of (of 1849), but that the provisions of the said three Sections shall, to all intents and purposes whosoever, be subject to, and limited by the provisions of the said Twelfth Section, as if it had been inserted in this Act.*

Third proviso of Sec. 58 of Act of 1849 to apply to certain Statutes of U. C. College.

IX. *And be it enacted*, That the third proviso to the Fifty Eighth Section of the said Act shall apply to such Statutes, Rules and Ordinances of the College Council of the College and Royal Grammar School of Upper Canada College, as have been, or shall be, passed by that Body, for prescribing, or regulating, the general duties of the Principal, or Masters, of the said College, or others employed to teach therein, in their respective Collegiate employments, or for prescribing the Course of Study to be pursued, or the Discipline to be observed in the said College and Royal Grammar School, and to none others.

Certain moneys to be receivable and collectable by the authorities of U. C. College, under sec. 77 of the Act of 1849.

X. *And be it enacted*, That all sums of money received by the Bursar of the said University for, or on account of the said College and Royal Grammar School, at any time since the Royal Assent was given to the said Act of Parliament, and all debts of what nature, or kind, soever, at the time when such Assent was given to the said Act, due to the said College and Royal Grammar School, or in which such College and Royal Grammar School was then, or at any time after, beneficially interested, shall be deemed and taken to be available to, and collectable by, the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, in the same manner as the debts mentioned in the Seventy-Seventh Section of the said Act, are thereby declared to be recoverable, subject to the deduction therefrom of all moneys which since the Royal Assent was given to the said Act, shall, or may have been paid by the said Bursar for, or on account of, the said College and Royal Grammar School.

Subject to certain deductions

ANNO TERTIO-DECIMO ET QUARTO-DECIMO: VICTORIÆ REGINÆ: CAPUT XCI.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE SUM OF MONEY THEREIN MENTIONED, FOR THE USE AND SUPPORT OF THREE ADDITIONAL GRAMMAR SCHOOLS IN THE COUNTY OF YORK, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE.

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR GENERAL OF BRITISH NORTH AMERICA.

Passed on the 10th of August, 1850.

Preamble 4 and 5 Victoria, chapter 19, 1841.

WHEREAS in and by an Act passed in the Session held in the Fourth and Fifth years of Her Majesty's Reign, and intituled: An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands, in that part of the Province formerly Upper Canada, and for other purposes,* as amended by an Act passed in the Ninth Year of Her Majesty's Reign, and intituled: "An Act to amend the Act therein mentioned, relating to the appropriation of moneys derived from the sale of School Lands, in Upper Canada,"† it was, amongst other things, in effect enacted, That it should be lawful for the Governor in Council to authorize a sum not exceeding One Hundred pounds, (£100,) per annum for each School, out of the moneys arising from the sale of the School Lands in the said first above cited Act mentioned, to be paid to the Board of Trustees for Grammar Schools in any District in Upper Canada, for the use and support of two other Schools than the one in the Town where The Court House is situated, in any Town, Township, or Village, within any of the Districts aforesaid, in which the inhabit-

9 Victoria, chapter 19, 1846.

Case recited.

* This Act is printed on pages 55, 56 of the Fourth Volume of this Documentary History.
† This Act is inserted on page 58 of the Sixth Volume of this History.

ants should provide a suitable School House, at which not less than thirty scholars should be educated, provided that any such additional School should not be within six miles of the District Town; and provided also, that nothing in the said first above cited Act should prevent the Governor-in-Council from extending such aid to four Grammar Schools, (including the said two,) other than the one established in the District Town, should it be deemed expedient.

Provisional Grant to three Grammar Schools.

AND WHEREAS His Excellency the Governor General-in-Council did, on The Twenty-ninth day of November, One Thousand Eight Hundred and Forty-eight, authorize the Board of Trustees for Grammar Schools in the Home District, to propose a grant for Seventy-five pounds, (£75,) to each of the Villages of Streetsville, Whitby and Newmarket, within the said District, being distant respectively, more than six miles from Toronto, the District Town, for aiding to support Masters of Grammar Schools, provided such Masters should be established in Buildings permanently appropriated to such Schools during the year One Thousand Eight Hundred and Forty-nine:

Less than 30 Scholars.

AND WHEREAS such a Master was established in each of the said Villages, in a Building permanently appropriated to such a School, during the year One Thousand Eight Hundred and Forty-nine; but, owing to the number of Scholars educated at each of the said Schools, during the said year, having been less than thirty, the above mentioned sums of Seventy-five pounds, (£75,) cannot lawfully be paid to the said Board of Trustees for the use and support of the said Schools, but it is just and right, under the circumstances of the case, to enable The Governor General-in-Council to authorize the payment thereof:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same,—That it shall, and may, be lawful for the Governor General-in-Council to authorize a sum of Two Hundred and Twenty-five pounds, (£225,) out of the moneys arising from the sale of the School Lands in the said first above cited Act mentioned, to be paid to the Board of Trustees for Grammar Schools, in the County of York, for the use and support of the three additional Grammar Schools above mentioned, for the year One Thousand Eight Hundred and Forty-nine; any thing in the said Acts, or in any other Act, or law, to the contrary thereof, in any wise, notwithstanding.

Act of 1840.

Governor in Council may authorize payment of £225.

ANNO TERTIO-DECIMO ET QUARTO-DECIMO: VICTORIÆ REGINÆ CAPUT CXLIII.

AN ACT TO AUTHORIZE THE REMOVAL OF THE SITE OF VICTORIA COLLEGE FROM COBOURG TO TORONTO.

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR GENERAL OF BRITISH NORTH AMERICA.

Passed on the 10th of August, 1850.

Preamble.

WHEREAS it hath been represented to this Legislature that the objects and usefullness of Victoria College would be greatly promoted by the Site of the said College being removed from the Town of Cobourg, or its vicinity, to the City of Toronto, or its vicinity.

Imperial Act of 1840.

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled: "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same,—

Victoria College Act of 1842.

I. That it shall and may be lawful for the Board of Trustees and Visitors of the College incorporated by an Act of this Province passed in the Session held in the Fourth and Fifth Years of Her Majesty's reign, and intituled: "An Act to incorporate the Upper Canada Academy under the name and style of 'Victoria College,'" if at any time they shall deem it expedient to remove the Site of the said College from the Town of Cobourg, or its vicinity, to the City of Toronto, or its vicinity, and to establish the same at, or near, the said City of Toronto, and all the provisions of the above cited Act of the Parliament of this Province, shall be and remain in full force, and shall apply to the said College at, or near, the City of Toronto, as they have heretofore applied and do now apply to the said College at or near the Town of Cobourg.

Removal of College to Toronto authorized.

CHAPTER III.

THE HONOURABLE FRANCIS HINCKS' TEST OF PUBLIC OPINION, IN REGARD TO THE COMMON SCHOOL ACTS OF 1846, 1847 AND 1849.

At the suggestion of the Reverend Doctor Ryerson, the Baldwin Government decided to suspend the operation of the Cameron Common School Act of 1849.

To the Honourable Francis Hincks, Inspector General, was assigned the duty by the Government, of submitting a new School Bill, to the Legislature. Before doing so, he addressed a Circular Letter, dated the 9th of January, 1850, to the County Common School Superintendents, to Teachers and others in Upper Canada, asking their opinion on the general subject of School Legislation, and, particularly, in regard to the operation of the School Acts of 1846, 1847 and that of 1849. On receiving the replies to his Circular, Mr. Hincks sent them to Doctor Ryerson, for his information, and as suggestions to aid him in the preparation of the School Bill of 1850,—which the Inspector General proposed to take charge of in the House of Assembly.

I have reproduced here all the more important and suggestive replies to his Circular, which were received by Mr. Hincks. For the greater convenience in the classification of these replies I have divided them into four groups, or parts. Part I includes the replies received from County School Superintendents; Part II, those received from Teachers and Teachers' Associations; Part III includes the Letters on the subject received from private parties, to whom Mr. Hincks had sent his Circular. All irrelevant and extraneous matter has been omitted from these replies.

GENERAL CORRESPONDENCE ON THE COMMON SCHOOL ACT, WITH SUGGESTIONS AS TO A NEW SCHOOL BILL, 1850.

PART I. REMARKS AND SUGGESTIONS BY COUNTY SCHOOL SUPERINTENDENTS.

[I. Suggestions as to a Proposed Common School Bill, 1850. By Mr. James Hall, M.P.P. for the County of Peterborough.]

1. Constitute a County Board, to consist of (say) seven Members,—four chosen by the County Council, three appointed by the Government.

Its Duties:—To examine Masters as to Qualification and Moral Character; give Certificates and cancel them; to name what Text Books shall be taught, to make General Rules for the Schools; to hear and finally determine all disputes between Masters and others.

2. To have a Secretary, whose salary should be fixed and paid by County Council; such Secretary to be also County Superintendent of Schools.

His Duties:—To examine and report on the state of Schools at least four times a year; to appoint Masters from certified candidates; to receive complaints against Masters, as to character and neglect of duty; to suspend, or dismiss such Masters as are found incompetent, or unworthy;—such Masters to have a right of appeal to the Board. Dismissal of a Master to operate as an annulment of his certificate; to see that the Text Books are taught and the General Rules of the Board are adhered to; to give Masters orders on the Township, or County, Treasurer for salary, and make reports, as provided in the present Act.

3. *School Trustees' Duties*:—To provide for the wants of the School House by a rate on the property in the School Section; to see that the Master faithfully performs his duties; to report to Secretary-Superintendent all observable faults.

4. *Treasurers of School Moneys*:—To receive all School moneys from the Government, or otherwise; and to pay the School Masters on the order of the Secretary-Superintendent.

5. *Township Council*:—To hold all School property; to provide for the building and repairing of School Houses by a rate on the property or the School Section.

6. *General School Rate* Instead of a *Rate-Bill* on parents in each School Section, as at present, let the County Council levy a general rate on the County, adequate to an equivalent of the Government Grant, and also sufficient to raise the salary of each Master to a reasonable amount. Let this money be paid to each School Treasurer, and, with the Government Grant to form a fund, out of which each Master shall receive his salary, payable on an order given to him on the Treasurer by the Secretary-Superintendent.

In addition to this salary let each Master be entitled to receive from each scholar attending his School a small quarterly fee.

7. Grammar Schools to be under the control of the Board, and to be subject to the same Regulations as other Schools.]

II. The Reverend Charles Fletcher, Goderich, with the Views of Experienced Persons on School Matters.

1. I have obtained the views, (as many as possible,) of persons experienced in School matters, upon the School Bill of 1849, so that my statement might not be a mere declaration of my own individual opinions—

2. I think the establishing of County Boards of Education, in the room of one Central Board at Toronto, is a great improvement. A Central Board, at Toronto, must make a considerably extended list of Text Books to meet the wants of Schools in every variety of circumstances. This list will be no sufficient index to those, who would be inclined to purchase stocks of Books for the supply of Schools. This evil has already been experienced in the united Counties of Huron, and elsewhere, not only have parents been reluctant to purchase new School Books of the proper kind, but, in those cases where there was every desire to have the most approved Text Books and Apparatus, the question has been always put, where can we find those Books, etcetera? We cannot send to Toronto, or Hamilton, for them, and the declaration of the Store-keepers is, that they cannot afford to purchase a stock from so extended a list, as that required, as indicated, because a large proportion of these Books might be left upon their hands I have no sympathy with the fear, that the action of County Boards would, in any degree, disturb the uniformity necessary to the efficient carrying out of the Normal School System. The influence of that Institution on the minds of all the Teachers, trained at it, is in favour of that system, and the Text Books used there, will be sought for, so that that influence will be deepened, and rendered subservient to the interests of Education, by every man of intelligence and liberality. . . .

(Note. I have omitted the remaining part of this letter, as it deals theoretically, rather than practically, with the powers of School Teachers, and other matters.)

III. The Reverend W. H. Landon, County School Superintendent, Woodstock.—Loans for Building School Houses.

I would recommend that the several Boards of School Trustees shall be empowered to borrow money to build, or exchange, School Houses and Teachers' Residences in their School Sections respectively. The advantages of such a provision will, I trust, be sufficiently obvious.

To erect a comfortable and substantial Building for a country School, and to furnish it with the most necessary fixtures and appendages will cost, on the average, aboutOne Hundred pounds, (£100.) This extra amount, if collected in a country School Section in a single year will, in many cases, bear too heavily upon the people, and, consequently, it is seldom that they can be induced to submit to it: and they generally, therefore, expend on their School Buildings only about half that amount. The consequence is, that most of the country School Houses are inconvenient and ill-adapted for the purposes for which they are intended. Besides, they are shabbily put together, and so frail in their structure, that the additional amount which should have been expended upon them at first, is required in the course of a few years in the form of repairs, in order to keep them in a state at all habitable.

But, if Trustees could be authorized to borrow money, as here proposed, it is believed that a better class of Buildings would generally be decided on. To raise a hundred pounds by loan, to be paid off in twelve years, would be, comparatively speaking, but a light affair even for the new and poorer School Sections; while in those which are more wealthy the people would be encouraged to erect buildings of a better and still more expensive description. In many, if not most, places, too, enterprising and public spirited individuals would be found who would build these edifices and receive their pay as the money would be collected under the operations of the By-law.

RESOLUTION ON EDUCATION, ADOPTED BY THE MUNICIPAL COUNCIL OF THE BROCK DISTRICT, AND FOUNDED ON THE FOREGOING LETTER TO THE INSPECTOR GENERAL OF THE COUNTY SCHOOL SUPERINTENDENT:

Resolved 1, That the Reverend W. H. Landon, County School Superintendent, be requested to read to this Council the suggestions as to the alterations of the School Law, contained in a Letter from him to the Honourable the Inspector General.

Resolved, 2 That this Council fully concur in the recommendation of the Superintendent of Schools for the late District of Brock, in reference to amendments necessary to be made in the School Law in this Province, as contained in his Letter to the Honourable the Inspector General which has just been read. In amendment it was :—

Resolved That the suggested alterations in the Common School Act, read by the School Superintendent be referred to a Select Committee of five to report to this Council at their earliest convenience.

The Select Committee to whom was referred the Letter of the School Superintendent reported to the Council as follows :—

The Select Committee to whom was referred the Report of the late Superintendent of Common Schools for the District of Brock, relating to the suggested alterations in the present Common School Act, beg leave to report :—

That, having examined the Report referred to above, as it respects the inquiries of the Honourable Inspector General, concur in the chief alterations proposed in said Report, but would recommend that, instead of giving power to Boards of Trustees to levy taxes on the property of the School Section for paying Teachers' wages, it should be made the duty of such Boards to place a uniform Rate-Bill upon the children between the ages of five and sixteen years residing therein, with power to charge reasonable fees on those pupils who are over sixteen and under five years of age, who attend the School. This Report was adopted by the Council on the 29th of January, 1850.

IV. THE REVEREND WILLIAM CLARKE, SCHOOL SUPERINTENDENT OF THE COUNTY OF NORFOLK, ON THE CAMERON SCHOOL ACT OF 1849.

You have done well in resolving to reconsider the Malcolm Cameron Common School Act of last Session. That this is the decision of the Government has given much satisfaction to all parties here, who take an interest in the great subject of Education, and it is very generally considered that the Cameron Act of 1849 should be superseded as early as possible, as being ill-adapted to promote the objects intended by it.

I am not aware that, in this County, any desire has been manifested that Township Superintendents should supersede the County one. The people generally are well satisfied with the present arrangement for the supervision of their Schools.

It must not be forgotten that Township Councils will naturally prefer to give the appointment to persons residing in their own Townships, and there are many Townships where a really competent person cannot be found. In either case, whether you provide County, or Township, Superintendents, the appointment should be given to the County, rather than to the Township Councils, as being much more likely to secure competent and efficient Officers.

The idea of County Clerks preparing the annual report, and forming the medium of communication with the Education Office and the local department is too inappropriate to be seriously entertained. The preparation of the County Annual School Report requires not only the greatest care, but also a particular local knowledge of School matters in the individual Sections, and the person preparing it, (if such documents need corrections,) must be familiar with the detail of school operations, and be thoroughly interested in the progress of education of his County.

The local School Superintendent, under the provisions of the Cameron Act of 1849 would be a great somebody and a small nobody. He would have, under that Act, no control over the Teacher; he could not give a Certificate of Qualification, even of a limited character, nor could he annul one. This restriction on necessary powers, (as well as others,) would prevent highminded and competent persons from accepting the office of Local Superintendent.

THE WRITER OF THIS LETTER SUGGESTS SOME AMENDMENTS IN THE ACT OF 1846.

I have had a good deal of experience as the Superintendent of Common Schools in this Municipal District for the past six years; and I am happy to testify that the School Act of 1846, under the efficient Provincial superintendence of the Reverend Doctor Ryerson has contributed very much to the advancement of the educational interests of this part of the Country. To that gentleman Canada West is much indebted for his able and untiring services. That Act, upon the whole, is regarded with very general favour. May I say to you let us "let well enough alone." Let such additions be engrafted on the Act of 1846 as are dictated by sound judgment and practical experience. Facilitating the education of the Country is certainly jeopardized by the continual changes which are calculated only to perplex and distract the public mind.

If the Free School System can be universally carried out, it would be well to make such a disposition of the School Fund as would aid the poor and small Sections. Some families of small means may be found scattered in all the School Sections, and the wise provision of admitting gratuitous pupils

may very properly be continued. There is generally some forfeited School Money in the hands of the Superintendents, which might be disbursed at their discretion in aid of the poor and small Sections, as indeed is now the case, under the direction of the Chief Superintendent of Education.

I would respectfully submit that the provision of School Visitors be continued. The fact that all Clergymen, Magistrates and Municipal Councillors are legalized School Visitors gives them not only a right, but lays them under some obligation, to give their countenance and counsels to the Schools in their immediate vicinity, which cannot but prove advantageous to both Teachers and Schools, while it is very acceptable and gratifying to the people. This provision has been productive of good during the past three years, and its omission in the Cameron School Act is a cause of just and reasonable complaint.

The Normal School is producing a vast amount of good by improving the qualifications and raising the standard of our Teachers, and I would strongly urge that everything should be done to sustain and strengthen that important Institution. For this reason I would much prefer that the control over School Books should be vested in a Central Board of Education at Toronto, and not in County Boards of Education, as, in the latter case, there would originate a diversity and confusion which would prevent advancement and destroy efficiency.

P.S. The foregoing Letter, I have by request, read to Doctor Crouse, the Warden of this County, and he desires me to present his compliments to you, and to say that he fully coincides with the views it contains, and he, therefore, deems it unnecessary, except in this form, to reply to your Communication. W.C.

V. Mr. Alexander Allan, School Superintendent, County of Waterloo.

Every person I have spoken to, on the subject, is decidedly in favour of the control of the School Books being lodged in the Provincial Central Board at Toronto, not only for the sake of uniformity in the system, but from the characters of the individual members of the Board, whose qualifications would be known to Members of the Administration.

(Note.—Mr. Allan next proceeds to criticise in detail the Cameron School Act of 1849 ; but, as that Act never went into operation, these criticisms were found to be of no practical avail in constructing the new Act of 1850)

VI. Mr. P. Thornton, School Superintendent, Gore District—His School Act Criticisms.

I approve of the general principles of the Cameron Act of 1849, though I dislike some of its details. . . .

Concerning the selection of Text Books, I would decidedly prefer the choice being vested in the Central Board. It will be more efficient, and tend more to a uniformity of system.

It may, in some instances, prevent emulation in the way of improving Text Books, but that will be more than overbalanced by uniformity, which is of great consequence in a Country, where there is so much moving from place to place.

I have felt the effect of divided attention, caused by school law Legislation for the last three years. Three years of the District Superintendent's labours did more in 1844, 1845 and 1846 than could have been done in five or six years by this last Act of 1849.

The County School Superintendent would be left, as he should be, to devote his undivided attention to the advancement of education. Such Superintendents should all be practical men, and every one of them should have a Model School under his control, to which no Teacher should be appointed without his sanction. He could then say to the Teachers under his superintendence "Come and see," instead of having to do all by precept, as hitherto.

The effect of this want I felt practically ere I was a Superintendent, when I was President of a Society of Teachers for improving education. Give me a manageable School Circuit and the charge of a Model School in it, as here proposed, and I am ready to pledge my honour, that I shall produce more efficient Teachers without being any burden on the public funds than is produced by the present expensive Normal School system.

Township Superintendents, as was proposed in the Act of 1849, would never work out an improved system of Education. To this the Township Councils are giving ample proof. Men are being appointed to the Office of Township Superintendent, who are much inferior to the Teachers to be superintended. Two points rule the elections,—convenience and cheapness.

No individual, or Board, should be allowed to interfere further with a School than to advise general Rules and Regulations. The internal discipline of the School is the sacred right of the Teacher.

The Local Superintendents of Schools should be the only persons allowed to give Certificates of Qualifications, or a County Board, of which the County Superintendent should be a Member, and without which County Boards will be worse than useless. Without the power of certifying and annulling Certificates of Qualification no Superintendent can be fully efficient. He has no power over the Teachers,—is reduced to the character of a spy, merely to report what he sees and hears. I know too well the working of the old District School Boards to place any confidence in such a mode of qualifying Teachers. They may, however, be made useful appendages to the Superintendency.

Let the Teacher's profession be raised to the rank it ought to hold, and then there will be no difficulty in the way of worthy men getting employment in it. The system, as now practised in Canada West, is really degrading the profession, and lowering, rather than raising, the standard of qualification.

When I say so, I speak advisedly, and from experience. The public funds are frittered away to entice men into the profession who have little talent and less inclination for it. They may teach, perhaps, a few months and then turn themselves to their favourite pursuit, careless of the public interest, after having been educated at the public expense.

Criticism on the Provincial Normal School, as Managed.

I would now turn to the principal object of this Communication,—namely to make some observations with regard to the Normal School.

I think that all who wish to see an improved system of juvenile training will agree that a Normal School is necessary. But it is to my mind equally clear, that the one we have is on a false basis, and the course at present followed must fail in producing the desired effect. The plan is impolitic, inasmuch as it induces improper persons to enter the profession by hiring them to take education for a business for which they have no inclination farther than to get a piece of bread.* It is unjust to the Country in general, and to Teachers, in particular, inasmuch as the public money is laid out for the purpose of boarding and educating persons, many of whom care not for the young, and who will leave the profession just as soon as they can procure employment more congenial to their feelings. But, it is particularly unjust to Teachers, as it fritters away the public funds on which many of them depend chiefly for any little ready money they get for their support, and it forces them indirectly to pay for boarding and educating persons to supplant themselves, not so much on account of their higher qualifications, as having a higher name and more patronage. As I stated to you before, make the Teacher's profession worthy of educated men, and there will be no difficulty in procuring educated men for the profession, any more than for the other learned professions.

The present Normal School course must fail in procuring the desired effects, so long as the persons under training for Teachers are allowed, or rather forced, to skim over as many subjects in one Session, as, for any practical purpose, would rationally take two or three years: and, besides, it is hurtful to the persons themselves through life. Being overpushed they become so far disgusted with the Books they have gone over, so that they cannot again enter heartily on the examination of the subjects they contain, except it be in the pursuit of some favourite hobby,—some of the Normal School Students have confessed this to me. But what is probably still more detrimental, it trains them to be content with superficial views of the most important subjects . . .

It is generally more easy to find faults than to suggest remedies. How is the matter to be amended? The answer to this question will depend upon what the Normal School is to do. Is it both to educate and train Teachers, or merely to train to the science and art of teaching? As at present constituted, it has been shown that it is inadequate for both, and it is already too expensive for such a new Country. If it is merely to train teachers for their profession, the expense may be lessened and yet be made efficient for the end in view, and this agrees with the views of our most enlightened practical Teachers. I may add that it coincides with my own in the present standing of the Country. Taking this view of it, all that would be necessary would be a Professor of the Science and Art of Teaching and of School Economy.

It would be the business of the Professor to lecture on the Science and Art of Teaching,—go with his Students to the Model School, supervise their practical operations, and criticize them on his return to the lecture room.

The Model School should be one of the Common Schools in the City, suitably fitted up and so conducted as to render it in reality a Model. It would receive its share of the public funds, and, if judiciously located, would nearly, or altogether, support itself. Then the only expense of the Training School would be the Professor's salary, which would be regulated according to circumstances. He would be at liberty during some months every year for the purpose of visiting County Model Schools, and for collecting and distributing general information regarding the working of the School System, etcetera.

VII. The Reverend John Climie, School Superintendent, Township of Darlington.—Criticism.

In regard to the proposed Bill of this year, on the Common Schools, now before the House of Parliament, I beg to submit to you a few thoughts of mine on said Bill. It is generally believed by leading men of all shades of politics, that Doctor Ryerson has had a great deal to do with the getting up of this Bill, consequently my remarks on it will not be felt by you to be personal.

(Note. Here follows a series of anticipated verbal criticisms on details of the School Bill of 1850)

I have just returned from visiting the Schools in this Township of Darlington, and have been repeatedly informed that the Trustees and Schools had not been visited for six years before I paid them a visit. So completely ignorant were the former Township Superintendents of the state of the Schools, that I could not find any document, or report, that contained any information regarding the whereabouts of the Schools, I had, therefore, to find out where the Schoolhouses were in the best way I could. I found a great deal of carelessness manifested about the Schools by the Trustees, and heard many complaints from the Teachers, and I feel satisfied that, without Township Superintendents, who

* Mr. Thornton here refers to the arrangement, by which Students of the Normal School received one dollar a week, towards paying the expenses of their board and lodging.

shall visit four times a year, and visit faithfully, little good will be effected by any other kind of oversight. And as for "School Visitors," (as the Bill before the House now provides), they are worse than nothing (sic), as this provision blinds people, who have not an opportunity of seeing how it works in the Country. I have not heard a single individual speak who is opposed to the Township Superintendents. Many are opposed to all other kinds of Superintendents.

Whatever you do, I would suggest that you give the Township Councils power to appoint Township Superintendents, if they see fit to do so, leaving to the County Municipal Councils the power to appoint one, or more, over all the Townships whose Councils may have neglected to do so.

I cannot help thinking Doctor Ryerson is opposed to Township Superintendents for the following reasons :—

1. He wishes to have all the power he can have over the Schools, without local interference.

2. He knows that Clergymen generally are appointed to the office, and that Methodist Ministers cannot act as Local Superintendents, on account of their itinerating arrangements* . . .

In Cities and Towns, perhaps, some Clergymen may visit Schools. Doctor Ryerson may write as he pleases about the visits of Clergymen, and tell us how many visits the Schools of the Province enjoyed, under the old Act of 1846, from them† . . . But how many of these Clergymen mounted their horses, and scoured the Townships, and sat and examined for two or three hours, in each of the Schools in the Township to which they had the honour of ministering in holy things. I have already told you that the most of the Schools in this Township have not been visited by anyone lawfully appointed for six years before the present one . . .

Finally, in a few words, I may say that my opposition to a great part of the present Bill now before the House, is caused by my attachment to principles that we have long laboured to establish in this Province. The difference between centralizing power, and power extended to the people, constitutes the difference between my views of what a School Bill should be, and what this one is. In other words, we want local "Responsible Government" in Schools. Let the Township Councils be the Executive of the School Law, as far as local matters are concerned. Let us have local control in all matters, except what is necessary to give to the County Municipal Councils, and everything will work well. The "Chief," (if there is still to be one,) should not be allowed to interfere with local matters at all, except for securing Annual Reports for the Provincial Government, that so they may have a full account of every matter in which they are interested, as Stewards for the Province. For, if care is not taken to secure local independence, as far as is consistent with united Provincial effort, there will be more trouble in the Country hereafter than ever yet has been about any School Bill since Canada legislated on the subject. You must know that a great many of your warmest friends feel sore at Doctor Ryerson's connection with the Common Schools, and if this Bill passes as it now stands, they will be apt to suspect that he has power over the Government.‡

VIII. The Reverend James Baird, ex Township Superintendent of Schools in the Newcastle District.—Views of Experienced Persons.

I have availed myself of every opportunity of ascertaining the opinion of intelligent School Trustees, Teachers and persons interested in the educational improvement of the Province. All with whom I have conversed, with one exception, disapprove of the repealing, by the Cameron Act of 1849, of those Sections of the late School Act of 1846, which provided for the appointment of Town and City Boards of School Trustees. They think that the business of the several Schools in a Town, or City, can be managed more efficiently, and with less trouble, by a General Board than by the separate corporations of Trustees in the several School divisions of a City, or Town.

With regard to the County Boards for the examination and licensing of School Teachers, I have been particular in my enquiries. They are generally approved of. They have expressed the most qualified approval of all the provisions in reference to the examining of Teachers, and the giving and annulling of Certificates of Qualification, as it would be beneficial, if the Boards act properly, in raising the standard of qualification for teaching. It must be admitted that, under the Act of 1846, some persons disqualified, and many very poorly qualified, obtained Certificates from School Visitors and even from Superintendents. It is not such a delicate matter for a Board of seven persons to refuse a Certificate, as for an individual to do so. Some, however, have expressed a fear lest the selection of Text Books by the local Boards should interfere with the uniform operation of the Normal School. I presume it is admitted that, however well a Teacher understands the branches of education which he professes to teach, he teaches more efficiently and comfortably from the Text Books which he himself has studied. I am certain it would be better for all parties were there a uniformity in reference to good Text Books throughout the Province.

Under the late Act of 1846, Superintendents of Schools were considered to have a discretionary power to make grants to poor Sections, over and above their legal apportionment. The District Council allowed me the power to make grants to such Sections, to the amount of Five pounds (£5,) each, out of the balance of School moneys in my hand.

* An opposite opinion to this is given by the Reverend William McCullough, a Methodist Minister, in his Letter on page 70.

† This information is given in full on page 285 of the Eighth Volume of this Documentary History. The influence of these visits is referred to on page 278 of the same Volume.

‡ In this connection, it will be interesting to read what the Honourable Francis Hincks said in the House of Assembly in July, 1850, on the then "Relations of the Government to Doctor Ryerson," as given on page 14 of this Volume.

The appointment of Township Superintendents is generally approved of, if suitable persons be appointed. I, for one, though I have lost my office by the new arrangement, approve of it, in preference to one person superintending a large Municipal District. It was impossible that one person could examine One Hundred and Eighty Schools,* dotted over a surface of Eighteen Hundred square miles, make himself familiar with the state and circumstances of the Schools, settle disputes, pay out the money, and answer the communications as he ought. There are some, however, who think that the duty would be more efficiently discharged by County Superintendents, where the Counties are small, or by two County Superintendents, where the Counties are large ; as Township Superintendents cannot afford to devote that time to the Schools which a County Superintendent can, who is wholly supported by the emolument of his office. Some complain that there is no check to the Teachers' giving a false report of the number of children and days they have attended School, as a principle for the apportioning of the School Money to the several Sections ;† and some complain that whilst it is required of the Teachers that they be morally and educationally qualified, no such conditions are required of the Superintendents of the Schools. These statements are the result of impartial enquiry and honest conviction apart from all political bias.

IX. Captain Benjamin Hayter, School Superintendent of the Newcastle District. School Book Control Question.

I beg to state briefly my view of the working of the late School Act of 1846.

Some differences of opinion naturally existed in the early part of 1847, growing out of the change in the School law ; but I can positively affirm that general satisfaction has existed ever since in relation thereto throughout the length and breadth of the Newcastle District, but, with few exceptions in regard to particular clauses which require amendment, and which, as I understand were to have been recommended to the Legislature ; but not one of the required amendments suggested and submitted by District Superintendents to the Chief Superintendent in the Annual Report, appears to have been embodied in the new Cameron Act of 1849.

Had the necessary reforms, which the School Act of 1846 required, been submitted to the Legislature by the Officer presumed to be most competent, from his high official character and extensive experience in educational affairs, the difficulty of adapting these reforms would, there can be no doubt, easily have been cleared away by the wisdom of the Legislature.

I beg respectfully to observe that in my opinion, a discussion "whether the control over School Books," and so forth, "should be vested in County Boards of Education, or in the Central one in Toronto," as an open question, would be, as it seems to me, an extraordinary discussion, firmly believing, as I do, that ninety-nine out of every hundred persons would decide for a uniformity of School Books selected by a Central Board, as the best system of all for the speedy development of the Schools, and the teaching of the young ; and who so proper, as the Provincial Board of Education, having to do with the Normal School ; which Establishment is an honour and a blessing to Upper Canada.

In all the Schools which have introduced a uniformity of Text Books, great satisfaction has been expressed.

X. Mr. Elias Burnham, School Superintendent for the County of Peterborough—County Boards' Control of School Books.

As to the Control of the County Boards of Education, or the Central Board at Toronto, over School Text Books, I have to state, that since the receipt of your Circular, I have shewn it to many persons and asked their opinions upon it ; and I am bound to say, that, so far as I have been able to discern, the prevailing force of feeling, is in favour of a distribution of the power over School Books—I think it right, however, to state, that a frequent change in the principal machinery of the School Law, is not calculated to produce benefit, for I find on all sides, a desire, that the system now established, should be allowed to continue as long as possible, without great changes in the Law.

XI. Mr. William Hutton, County of Victoria School Superintendent.—Central Board's Control of School Books.—Suggestions as to the School Bill of 1850.

I am in receipt of your Circular, with regard to the Malcolm Cameron, Common School Act of last Session, 1849. All the intelligent Teachers and Trustees, with whom I have conversed, on the subject, are of opinion, that that Act much requires to be reconsidered.

With regard to the question, whether the control over School Text Books should be vested in County Central Boards, or in a Provincial Central Board, they seem to agree, that it should be vested in the latter Central Board alone. And for the very important reason, that, unless there be uniformity in the School Books, as well as in system, the Teachers, (who are constantly moving from place to place,) cannot be so efficient, as they might find a variety of Text Books, with which they are unacquainted, in every new County into which they might remove. It adds greatly to the facility and efficiency of

*The Law of 1850 limits the number of Schools under one Superintendent to One Hundred.

† The Forty-third Section of the Common School Act of 1850, (page 48) amply provides every protection possible for the School Fund, and for the punishment of dishonesty and faithlessness on the part of those who make the official returns, on which the School apportionment is based.

teaching, when the Teacher is thoroughly acquainted with the Text Books in use. The very excellence, of the Irish National School Books, shows the value of concentrating the knowledge of a few choice men for their compilation; and why not carry the principal out for their diffusion?

If the choice of School Books were left to County Boards, Scotchmen would probably be for Chambers' Educational Course, Canadians and Americans, for Cobb's, Morse's and Onley's publications, and so on; but the value of uniformity is too great to risque the choice to any but to competent chosen men who can judge without national, or early educational, prejudices. And that, the present, excellent Provincial Board of Education has done; so that we have ample proof on the subject.

I think the Cameron School Act could be greatly simplified. It will be quite sufficient to allow Trustees to exempt indigent persons, of the Sections, from paying Rate Bills, if they think proper as the Sixth Section provides a reserve fund for poor schools.

The Township Superintendent should be dispensed with. The materials for good Superintendents of Townships are not yet in the Country. The pupils now, in very many of the Schools, are better educated than the men who would be chosen as Township Superintendents of Schools, they ought to wait ten years before they introduce such local Officers. County Superintendents might be appointed by the County Councils at twenty shillings for each School Section, if the Superintendents visit the Schools twice a year and lecture in them; but the County Councils ought to be obliged to pay that sum per School, or they will not be able to get competent men as County Superintendents.

I think the County Superintendent ought to be *ex-officio* one of the Trustees of the Grammar Schools, as the more he sees of all the Schools, as the dove-tail into each other, the more he can compare and adapt the one to the other, I would not control the line of study in Grammar Schools, as the Teachers of these Schools must adapt their course to the requirements of University Students,—most of his classical pupils being destined for the University.

The old Act of 1846 is infinitely superior to this one of 1849, and was becoming well understood and very popular, where the County Superintendent was zealous and efficient; it required very few amendments.

XII. Mr. Thomas Donnelly, School Superintendent, District of Prince Edward.

I have deemed it my duty, in accordance with your request, to take pains to obtain "the views of the most intelligent Common School Teachers and Trustees regarding the Act of 1849."

All whom I have consulted agree, that, taken as a whole, the new Act is an improvement, though there are some things which require amendment.

The duties of Trustees should be lessened and simplified, there is a general complaint on this head.

As the Councils, under the Act of 1849, and not the Township Superintendent, are to make the apportionment of money to the Schools, the latter is not to examine, or grant Certificates of Qualification to, Teachers, since he has, under that Act, no authority to enforce any of his recommendations. As little, therefore, remain, for him to do but to examine Schools and deliver his Lectures, I would recommend the abolition of the office, as there are comparatively few Townships in which are to be found men capable of delivering Lectures, which might be likely to be productive of much good, and, at the same time, who might be able and willing to do it.

While, in some of our Common Schools, (by way of contrast,) Algebra, Geometry and the Classics have been taught, the infant has learned to lisp his A. B. C. in the Grammar School; a very general feeling has obtained throughout the Province, that these latter Institutions have not answered the end proposed in their foundation, an objection that would be removed by making them the stepping stones from the Common, or "Superior," School to the College, or University.

With regard to the principal question of your Circular—in reference to Text Books,—I desire to say that all, with whom I have conversed on the subject, with one exception, have declared in favour of vesting the control over School Books in a Central, or Provincial, in preference to a County, Board. Yet I am free to confess my own views are in favour of the latter, as it would ensure uniformity enough, and School Books of a standard character would not be confined to one County, but would necessarily obtain that circulation to which their merit entitled them*. It is paying but a poor compliment to the Normal School, to suppose that its graduates can use but one set of Books, without having their usefulness impaired†. This Institution, calculated, as it is, to do so much good in raising the standard of Common School Education among our rural population, will have another difficulty to contend with, more likely to clog its efficiency than a diversity Text Books: I mean the desire for "cheap Teachers", which is so prevalent at present, and which, if it continue, cannot fail to bring down the rate of remuneration so low as to drive from the business all who are fit for anything else. This is well worthy of the attention of those who may be called upon to legislate on the subject of Common Schools; and, any plan that could be formed, in any way, to counteract its spread, would be a benefit to community.

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*The question of Text Books for the Schools is fully discussed in Chapter XIII, pages 273—289 of the Sixth Volume of this Documentary History, the Evils of a great variety of Text Books are pointed out by Doctor Ryerson in his Primary Report of 1846, pages 203—205 of the same Volume. In regard to the anti-British characteristics of United States School Books, see pages 283—285 of the same Sixth Volume.

† As these Students, before entering the Normal School, had been accustomed to use a great variety of Text Books, in their Schools, it must be supposed, on the contrary, to what is here stated, that they had been accustomed, and were still able, to use more than "one set of such Books."

With regard to the appointment of County Boards of Education, I think either their recommendation to the "Governor, or Person Administrating the Government," or their appointment, should be vested in the County Council, on whom the responsibility of choice would, of course, rest, and who must necessarily be better informed of the qualifications and zeal for education of the persons to be appointed than parties at a distance can possibly be.

XIII The Reverend James Padfield, School Superintendent of the Bathurst District. Criticism and Suggestions.

I was anxious, in compliance with the concluding paragraph of your Circular, to obtain from others such information as would enable me to state "so far as in my power, the views of the most intelligent Common School Teachers and Trustees regarding the (Cameron) Act of 1849."

The following is the result of my inquiries. The views here stated are those of persons deeply interested in Common School Education, and of considerable experience in the practical working of the Common School System.

1. To that important point of your inquiry, which relates to the control over School Books, and on which you state you are particularly anxious to obtain information, I have to remark that the system authorized by the late Act of 1846 has been productive of the best consequences in this District, and has become so general that the Irish National Text Books recommended by the Central Board of Education at Toronto are now used, (to a greater, or less, extent,) in every School within the limits of my Superintendency. And it is much to be feared that, if the control over School Text Books is vested in County Boards of Education, the practical good effects, arising from a uniformity of Text Books will be at once greatly impaired; no certain system will be pursued: the Text Books of one, or of a dozen Authors may be recommended in one County, and those of others in adjoining Counties; while, elsewhere, the people may be left entirely to their own judgment in the selection of the Text Books for their children at School. Thus the least evil may, perhaps, will be, a most mischievous diversity.

2. Under the new,—as under the late Act of 1846,—many disputes will undoubtedly arise on School affairs. But I have not noticed any provision in the Cameron Act of 1849, instructing disputing parties to appeal, or authorizing any person, or persons, to decide on such appeals. The late Act of 1846 empowered the Chief Superintendent of Education to decide upon all matters and complaints which might be submitted to him by parties interested under the operation of the Act. May not the want of such a provision in the last Act of 1849 be attended with serious evils involving frequent litigation? . . .

3. So far as I can ascertain the opinions of Teachers and Trustees the superseding of the office of County Superintendent, and the restoration of that of the Township Superintendents is not likely to give general satisfaction.

4. The provisions of the late Act of 1846 contained in the Fifteenth and Sixteenth Sections (relating to School Visitors,) with the exception of the latter clause of the Sixteenth Section,—authorizing any two School Visitors to give Certificates of Qualification to Teachers,—were wisely designed for the best interests of Common School education; and the omission of some similar provision in the present Act of 1849 is a serious defect.

5. The institution of a Board of Education by the Act of 1849 in each County for the examination of Teachers, as proposed, and more especially the selection and recommendation of School Books, is thought to be rather a going back to the practically useless system of years past, than an advancement in wise legislation for the accomplishment of the objects contemplated.

The examination and authorizing of Teachers of Common Schools is a most weighty and responsible duty, on the faithful discharge of which much of the efficiency of Common School instruction must depend. It is feared this duty will rarely be performed, as it ought to be, under the provisions of the Act of 1849. In this, as in other provisions of the Act, the machinery is too complex and diffused. Individual responsibility is shut out: and where evils occur, as they may and will, who shall be blamed?

XIV. Mr. Thomas Higginson, School Superintendent for the Ottawa District. Central Board. Suggestions.

I cannot attempt to enter into the details of the recent School Law of 1849. Some of its details, no doubt, are good, some indifferent, and some highly objectionable, and, as a whole, it evidently requires amendment and revision.

To your question, whether the control of School Text Books should be vested in the County Boards, or in the Central Board of Education, at Toronto, I would reply, that my own opinion, and the opinion of many judicious persons, with whom I conversed, is strongly in favour of this power being vested in the Provincial Board. In a mixed community, such as we are, it would seem vain otherwise to expect anything like uniformity; instead of harmony, we might look for confusion, instead of an enlightened and judicious selection of these Books, we would see, in the choice of our Text-Books, the unhallowed effects of national prejudice and party strife, and, instead of our youth growing up united, loyal and patriotic, we would see them, as divided, as intolerant and as prejudiced as we are.

If the late School Law,—that of 1846,—had protected Trustees against loss, by enabling them to assess their Section for School Rates, instead of raising money by Rate-Bills, it would have been better

than any other School Law ever brought into operation, in this Province. I am sure, the Country parts with that Law with regret; and, when we reflect how much time and anxiety it requires to bring our Statutes into successful operation, we might wish that our Representatives in Parliament would be directed by more caution, and, instead of supplying our imaginery wants, endeavour to remove our real evils.

XV. The Reverend John Flood, School Superintendent of the Dalhousie District.

Since I was appointed Superintendent, my thoughts and time, as far as they have been given to School matters, have been chiefly engaged in leading the people to comply with the great principle of the School Act of 1846, that is, the duty of submitting to be taxed for the support of Education.

With regard to the point on which you especially desire information, my opinion is, that the efficiency of the Schools would be best promoted by confiding the control over School Text Books, to the Provincial Central Board of Education, at Toronto. I have had a great deal of experience in teaching, as well as in superintending Schools, and I have always found that diversity of Text Books is a very great hindrance in a School. Now, if each County Board should have the power of selecting the School Books, which shall be used in each County, I think, that, not uniformity, but difference and confusion will be produced. And, in this way, the parents of children in Schools, which are near the borders of the Counties, will often find it convenient to procure Text Books not from their own County, but from the adjoining one—The books authorized in both Counties may be good, though different; and when parents see this, the Superintendents will find themselves unable to prevent these Books from mingling, first in the Schools, which are near the limits of the Counties, and after some years, through all the Schools in every Township.

But I am very sorry, that I cannot find in the new (Cameron) Act of 1849, any Section, or provision, similar to the Thirty-second and Thirty-third Sections of the late School Act of 1846. My attention has been led to this, by an application from persons at Fitzroy-Harbour, for instructions, how to proceed in establishing such a Separate School, as was provided for, in the said Sections of that late School Law. I hope, that this will not be neglected in the one for 1850, which is about to be introduced.

The opinions of the most intelligent Teachers and Trustees, in this District, as far as I can ascertain, are agreeable to my own, as expressed in this Letter.

XVI. The Reverned William Fraser, School Superintendent of the Eastern District.—Advocates Free Schools.

In regard to School Books, I am confident, that the selection of these Books by the County Boards, would produce great confusion. Therefore, a Central Board of Education at Toronto, would have it in their power to exercise a control much more effectual to gain that uniformity in School Books, so desirable. A great deal of confusion is already introduced, even in the Irish National School Books, from alterations, made by different publishers. Something should be done to put a stop to this, or also all that has been done, to get the children into the same Reading classes, will soon be lost.

Although, no disciple of Doctor Ryerson, I admit much of the justice of many of his remarks on the new Cameron School Bill, but nothing will meet, fully, the wants of the Country, short of the Free School System and the Country are prepared to receive it as a gift.* In a long Report to the District Council, and in the District, itself, by extensive travelling, I have pleaded for this system, and have not met with one single man, who has, even, offered opposition to it. Money has been paid, in this District for educating 13,500 possible scholars this year, but I am sorry to say, that only one half of that number ever entered a School House. The justice of the principle is already admitted, and in force, in a few cases, but generally it fails to gain the object. Extend the principle in the new Bill,—making the necessary provision for free schools, and all, who make it, will enjoy their share of them.

PART II. REMARKS AND SUGGESTION ON SCHOOL LEGISLATION BY TEACHERS' ASSOCIATIONS.

I. The Dumfries' Teachers' Association (criticisms on, and objections to, the present School System, as viewed by the Association.)

Learning from the late Correspondence between the Chief Superintendent of Education, and the Provincial Secretary,† that Government intends to introduce, during the next Session of Parliament, amendments to the (Cameron) School Act of 1849, we thought they would willingly receive, from persons practically acquainted with the working of the late and former School Acts, suggestions concerning the amendments they may deem necessary in the present Act, to suit the circumstances of the Country, and meet the wishes of the people.

The School Act being one that very much effects Trustees and Teachers, will, we trust, be considered a sufficient apology for forwarding, unasked, our views on this important subject, humbly

* In the next Chapter of this Volume will be found an elaborate and instructive Address by Doctor Ryerson on the great advantages of a Free School System.

† Contained in Chapter XIV of the Eighth Volume of this Documentary History, pages 223 250.

hoping that they may be entitled to some consideration. At a Meeting of the Dumfries Teachers' Association, at which there were a number of School Trustees, it was—

1. *Resolved* That this Meeting, having carefully examined the duties imposed on the Chief Superintendent by the late and present School Acts, is of opinion that his Office is not necessary, as the duties may be performed at much less expense to the Country, by Clerks connected with some other Department of the Government.*

2. That there should be a Normal School, for the purpose of training Teachers, and that none others than those intending to become such should there be taught gratuitously, neither should any person attending it receive any portion of the public money for his support, nor should any exclusive privilege be conferred upon him.†

3. That there should be a Board of Education for the Province, composed in part of practical Teachers, or persons who have been such, that their duties should be to superintend the Normal School, to select a uniform set of Text Books for Common Schools, as it is of the utmost importance to the cause of Education that there should be such a uniformity; and to report annually to the Governor-in-Council.

4. That an efficient School Inspection by Superintendents properly qualified to discharge the duties, is absolutely necessary to the success of the Common Schools; that such Superintendents should be appointed by local Municipal Councils, and be eligible for the same appointment in more than one Township; that their duties should be to visit quarterly all Schools under their charge; to examine all candidates for the office of Teacher, and certify such as they may deem qualified; to report annually the state of Schools to the Municipal Councils of their respective Towns, or Townships,—such Report to contain the names of all Teachers to whom they have given Certificates of Qualification during the year; a similar Report to be likewise transmitted to the Provincial Board.

5. The Trustees should be elected, as prescribed by the late and present School Acts: that their duties should be to appoint, from time to time, a duly qualified person to be Teacher of their School; to be personally responsible for the payment of his salary; to take charge of School property; to report annually concerning the state of their School to the Township Superintendent; and to adopt such means for the maintenance of their School as shall have been approved of at the annual School Meeting by a majority of the landowners and householders of their respective School Sections, who should have the power of determining at such Meeting the manner in which their School should be maintained for the following year,—whether by Rate Bill, Voluntary Subscription, or by a Tax levied on all the rateable property within the Section, and, if the latter mode be adopted, the Trustees should have power of imposing and collecting such Tax, or the Municipal Council should, on the petition of a majority of the Trustees, be obliged to do so, as formerly.

6. That in the event of the majority of the landowners and householders of any School Section neglecting, or refusing, to elect Trustees, or adopt any plan for the support of their School, the Municipal Council should have power to levy on the rateable property of such School Section, and collect a sum sufficient for the support of said School for at least six months in each year, in which such majority of the Trustees neglects, or refuses, but that the power should only be exercised on petition of at least five resident landowners and householders; and that said petitioners have the power of electing Trustees.

7. That all persons of good moral character, possessed of the requisite learning and ability, should be eligible to the office of Teacher; and that in the internal management of his School, he should be left to follow the dictates of his own judgment, as it would be unjust to hold him responsible for the success of his School, if compelled to teach according to Rules and Regulations furnished by any other authority than his own.

8. That this Meeting is of opinion that the cause of Education would be promoted by encouraging the establishment of a Teachers' Institute in each County, in which questions connected with education may be discussed, but it is of opinion that the management of the Institute should be left to Superintendents and Teachers.

9. That we approve of the manner prescribed by the School Act, of apportioning both the Legislative and Municipal School Grants.

10. That the Legislative Grant, being originally intended for the maintenance of Schools, no part of it should be applied to any other purposes, as it not only diminishes the grant itself but equally lessens the sum raised as an equivalent to it for the support of Schools by municipal authority.

11. That Municipal Council should have the power of assessing School Sections, on petition of a majority of the landowners and householders, for a sum sufficient to purchase a School Library.

12. That there is no necessity for County Boards of Education, as the duties imposed upon them by the (Cameron) School Act, can be more efficiently discharged by a Provincial Board of Education, and by local Superintendents.

13. That there is no necessity for County Councils having anything to do with the working of the School Act, as the Legislative School Grant might as well be at once sent to the Township Council.

14. That we disapprove of Sectarian Schools, and Separate, Schools for Coloured children.

* See Petition on this subject to the House of Assembly on page one of this Volume.

† See Note on this subject on page 58 of this Volume.

15. That this Meeting, being wholly composed of Trustees and Teachers of rural and Village School Sections, has no practical aquaintance with the management of City Schools, consequently can offer no suggestions as to the best mode of maintaining and conducting such Schools.

II. Mr. Robert Wilson, on behalf of the County of Middlesex Teachers' Association:— Suggestions as to the School Bill of 1850.

This Association, now numbering a large portion of the most talented and enterprising Teachers of the County, has met twice for the purpose of taking into consideration the (Cameron) School Law of 1849, with a view of petitioning Parliament, at its present Session, for certain amendments of said Act. A Committee was appointed by the Association, when there was handed to it a Draft of a new School Bill (of 1850), which was about to be submitted to Parliament for its approval.

The Association have deputed me to write to you in behalf of the united Teachers of the County of Middlesex, and to testify their very general approval of the Draft of Bill; its conciseness, comprehensiveness and simplicity are such that, should Parliament see fit to adopt it, nearly all the difficulties in the management of Common Schools will disappear. But, notwithstanding, this very general approval of the new Draft, as a whole, there are some few thing connected with it which the Teachers of the County of Middlesex could wish otherwise, or couched in more decisive language. Their views on these matters, I am desired to lay before you.

1. *The Superintendency of Schools.* The County is taxed to a considerable amount to support a Normal School,—the express object of which is to introduce improved systems of instruction. This has equalled the expectations of its most sanguine friends, so far as the training of Teachers is concerned; but how can it be expected that the enlightened systems of teaching it inculcates will ever be efficiently carried out, unless men be appointed to superintend our Schools, who understand the practical working of these systems? In short, Local, or County, Superintendents should be practical Teachers, and not mere theorists, as they have hitherto generally been. Teachers throughout the Country, so far as my knowledge extends, begin to look upon this as their right.

2. *School Masters' Residences.* That no School Section should be entitled to Government aid unless it have, together with the Schoolhouse, a School-master's Residence. Few things tend more to prevent young men of spirit from entering upon School teaching as a profession, than the fact that they have no home. If a Teacher wishes to marry and settle down in life, he generally looks about him for some other avocation.

3. *Specified Time of paying the Government Grant to Teachers.* The Government appropriation in support of Schools should be made available, if possible, in the beginning of the second quarter of each year. Much inconvenience to Teachers arises from being so long without receiving a portion of their remuneration.

4. *Obligations on Municipal Councils.* That, as Trustees of Schools are selected by the people to manage these Schools, as one of their dearest rights, they should not be trammelled in their operations by any body of men, called by whatever name, and that, therefore, it should be obligatory in all Town and Township Councils to carry out the views and recommendations made by them in regard to the sustenance and management of Common Schools.

5. *Teachers' Diplomas.* That Common School Teachers, under proper restrictions, should be enabled to receive diplomas of their profession, which, like diplomas of other professional men, should be for life.

III. Mr. Patrick Thornton, School Superintendent, on behalf of Teachers in the Gore District. (See also Page 57.)

The following are the ideas of two or three of our most intelligent Teachers with regard to the Superintendency of Schools, handed to me in writing, after they had held a conference on the subject.

1. "That the Municipal Council for each County should divide the County into School Circuits of two, three, or more, Townships, according to the number of Schools they include. A Superintendent should be placed over the Schools in each Circuit. The Superintendent should be a Teacher, or Principal, of a Model School, which Model School should be one of the Common Schools.

2. "That the Superintendent's salary should be derived from what his School, as a Common School, would be entitled to, and an additional sum of £—— raised by an assessment on the Circuit over which he is Superintendent."

I presume that these ideas partly originated from the marked success which attended some experiments made by a Society of Teachers, of which I was the President, and from which I derived the idea of the necessity of a Superintendent's having the control of a Model School. The plan mentioned by the Teachers would be economical, but how far it is generally practical is another consideration. I think what I stated to you when I saw you would be more practical.

A Model School, properly located, could be made to support itself, and a Superintendent's salary, (if his School Circuit was small enough), might be partly derived from the Model School, and partly from assessment, for, in such a case, he would only need an Assistant; but, if his Circuit was large, the Model School would require an efficient Teacher, besides the Superintendent. Then, the Superintendent's salary must come from some other source. If I mistake not, the School Superintendents

in the State of New York are paid two dollars a day, when on duty. A Superintendent, to be efficient, should have his whole energies devoted to the improvement of Schools. He should have no pecuniary business of any consequence to manage.

You may derive some idea of how many Schools a Superintendent may be able to visit twice a year from my practice last year. I find, on summing up my Report, I have, in 1849, made two hundred and forty-three visits, and lectured frequently, besides. Now, I infer from this, that a Superintendent could easily undertake from eighty to one hundred Schools,—visit them twice a year, and lecture at least once a year in every School Section, and devote a considerable time,—say two days a week, on an average, in overseeing the Schools more particularly, and advancing the Model School under his care. He might, possibly, be more efficient to have from sixty to eighty Schools as a maximum number, and lecture on every visitation, . . .

IV. Gore District Teachers' Association.—Series of Resolutions on the School Law.

At a meeting of the Teachers of the Gore District, a printed Circular from the Office of the Inspector General, requesting the views of Teachers and others, on the School Law, was read. The following Resolutions were adopted : —

Resolved First.—That City Schools should have a Board of Trustees and Local Committees. The duties of said Board and Committees to be similar to those prescribed for such Board and Committees by the School Act of 1847, 10th and 11th Victoria, Chapter Nineteen*; and that the appointment of the Board of Trustees be vested in the City Councils, and that of Local Committees in the Boards of Trustees, as heretofore.

Second. That, in addition to the public money for the payment of Teachers' salaries, the City Trustees of Schools should be empowered to raise what they may deem sufficient for that purpose, either by Rate bill, or by fixed School-fees for scholars attending the City Common Schools: said Rate-bill, or School-fees, to be collected quarterly by the Trustees, or a Collector appointed by them, for that purpose, if not paid to the Teacher by the end of the quarter,†

Third. That this Meeting approve of the principle of the 4th clause of the Thirteenth Section of the new (Cameron) School Act of 1849, which gives to the people of each School Section, the power of maintaining their Schools by such means as shall have been approved of, by a majority of the people at their Annual School Meeting in January, and also recommend, that one of the legal modes left to the option of the people at their Annual Meeting, be the mode of voluntary subscription, and that forms to enable them to do so, may be provided.

Fourth. That this Meeting approves of the Tenth Section of the New School Act of 1849, as it gives the power of appointing Superintendents of Townships to the Township Councils, and also because the same person may be appointed for several Townships, and those present at the Meeting express it as their deliberate opinion, that only persons, who are, or have been, practically engaged in teaching, and are otherwise well qualified, are competent efficiently to discharge the important duties of School Superintendents.

Fifth. That School Superintendents only should be empowered to grant Certificates of Qualification to Teachers, and that no Teacher should be held as qualified until certified by the Superintendent, under whose jurisdiction is the Section in which he teaches.

Sixth. That Trustees should be personally liable for the fulfilment of their engagements to Teachers, when, through their not having exercised the powers with which they may be vested, such engagements remain unfulfilled.

Seventh. That Teachers shall only be dismissed at the request of a majority of the Land-holders and House-holders, resident within the School Section, expressed at a meeting called for that purpose.

Eighth. That Schools should be publicly examined half yearly.

Ninth. That the General Board of Education in Canada West should be composed in part of practical Teachers, and should have the power to recommend School Text Books and the adoption of such measures as may be judged expedient for the furtherance of Common School education ; but should not have power to interfere with the internal government of the Schools.

Tenth. That no Alien should be deemed a qualified Teacher.

Eleventh. That Denominational Schools should not be recognized by law.

Twelfth. That this Meeting highly approve of a Normal School ; but that, in order to enable the public and all parties, especially concerned, to judge of its management and efficiency, it is desirable, that correct statistical information on the following questions, if possible, be disseminated, videlicet : (1), What number of pupils, male, or female, have received instruction in the institution since its commencement, and what number in each Session ? (2), Place of birth and age of each. (3), How many have been previously engaged in teaching, where teaching and how long ? (4), How many have been paying pupils ? (5), How many have received public support ? (6), How long each attended ? (7), How many have since abandoned the profession. (8), How many of these received public support and how many have repaid such sums.‡

*A copy of this Act will be found on pages 26-28 of the Seventh Volume of this Documentary History.

† This Association, chiefly composed of rural School Teachers, here give their opinion as to how City and Town Schools should be conducted. The Dumfries School Teachers' Association did not deem themselves competent to do so. See Resolution number 16 on page 65.

‡All of this information about the operation of the Normal School, and very much more, is given, and has always been given in each preceding official Report to the Legislature of the Chief Superintendent of Education.

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PART III. CRITICISMS ON THE SCHOOL LAW AND SUGGESTIONS FROM PRIVATE PARTIES.

In addition to the Circulars sent out by the Honourable Francis Hincks,—who, on behalf of the Government,—had charge of the School legislation of 1850—to various Local Superintendents and Teachers, he also sent them to a number of Ministers and Laymen, who had shown an interest in our Schools and System of Education. From these parties he received the following replies:—

I. Mr. James Coyne, St. Thomas, Upper Canada;—Control of Text Books—Granting Teachers' Certificates.

I am decidedly of opinion, that the control over School Text Books, should be vested in the Central Board of Education, at Toronto, as no other system can produce uniformity, which is very desirable;—in this view, most of the intelligent Trustees and Teachers appear to coincide with me.

I object to the system of granting Certificates of Qualification to Teachers under the recent (Cameron) School Act of 1849;—that all District Councillors, Magistrates and Clergymen should be invested with that power, appeared to me preposterous, or why they should possess exclusive privileges to dictate as School Visitors, I cannot understand.*

I disapprove of the system under the new Act of 1849 of employing Township Superintendents of Education. I have never seen much benefit that the Schools derived from the Township or County Superintendents. . . .

II. Mr. Gordon Buchanan, Township of Colchester.

I have consulted with the most intelligent persons in this Township, and they all agree with me that County Boards of Education are preferable to a Central Board of Education at Toronto. One of them that I have consulted on the subject is a School Teacher,—a man of experience and superior education, who had taught for several years what was formerly called the High School at Toronto, and I, herewith, transcribe what he says on the matter:—

"With respect to the control over the School Text Books, I do not see what advantage can arise from vesting the same in a Central Board of any kind. The very fact of any system of Books being dictatorially thrust upon the people of this free Country would naturally render them unpopular. I consider this would be still more decidely the case with the system of Books which it is contemplated to introduce, videlicet: the Irish National School System, which in many respects is quite unfit for this Country. A system of School Text Books for Canada ought to be compiled by a person, or persons, well acquainted both with the peculiar state of society here, and also with the great natural features and scenery of this Country."†

My own opinion of the New (Cameron) School Act of 1849 is, that it is,in many respects, decidely an improvement on the old one of 1846, and, although, I am well aware that much inconvenience will arise from constantly altering and amending the Common School Acts,—and of the impossibility of any Legislator passing a Bill that will be satisfactory to everybody.

As it appears from your Circular, that it is probable that certain amendments to the present School Act will be submitted to Parliament at its next Session, I would take the liberty to suggest that more restrictive measures be adopted with reference to the return of pupils taught in the several School Sections. The most common mode of contract with Teachers is, that they shall be authorized to receive such and such monthly fees from the parents of the pupils, and the whole of the Public School money, whatever the amount may be. Thus, in a majority of cases, the Teacher must be strongly tempted to make a false return, and although a fine is provided in such cases, that check would be found inoperative from the fact, that none but the Teacher can possibly be cognizant of the aggregate attendance of the year. The only check would appear to me to be a clause making it imperative on the Township Superintendent to administer an oath to the Teacher as to the correctness of his report on that point.‡

I consider, too, that the Township Superintendent ought to be empowered to grant Certificates of Qualification to Teachers, subject to be cancelled, or confirmed, by the County Boards, on the appeal of School Trustees.

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* The School Act of 1849 contained no such provisions as are here indicated. The law of 1846 authorized School Visitors to give "advice to Teachers and pupils" under certain Regulations; but such advice did not authorize dictation in any sense. In these early days "advice" was very desirable.

† Experience proved that this opinion here suggested, was not well founded. The Irish National School Text Books, recommended by the Provincial Board of Education, were very popular, after they were introduced into the Schools.

‡ See Note on this subject, on page 60.

The office of Chief Superintendent of Education, if not found advisable to be entirely depensed with, (as I think it might be,) ought to be conducted with the strictest rules of economy.

III. Mr. Frederic Dresser, Vittoria, County of Norfolk.—School Text Books.

I am looking to the Normal School to confer very important advantages, on the Country, in an educational point of view; and I am decidedly of opinion that the control of the School Text Books, should be in the hands of the Central Board of Education, at Toronto. It would not only secure uniformity throughout the country, which is very desirable, but uniformity will be much better attended to, than if the choice of School Books were left in the hands of County Boards. As far as my knowledge extends, I believe, I express the views of many others, as well as my own, that the present (Cameron) School law, of 1849, is unworkable, and requires to be replaced by one clear in its provisions, that can be carried out by the ignorant, as well as the learned.

IV. Mr. Christopher Goodwin, Woodstock.—County Superintendents.—Central Board Should Control Text Books.

My decided opinion is that one competent County Superintendent would be much more beneficial to the community of each County, than for a Superintendent for each Township: that his duties be as formerly, except paying out moneys; that he should give orders to the Teachers upon the District Treasurer, who ought to receive the Government Grant and Municipal equivalent to that grant for Schools in his District; that the Superintendent should deliver a Lecture in each School Section at the time of visiting the same once a year.

I should strenuously recommend the adoption of one Central Board of Education at Toronto, as formerly.

I think it should be made imperative with every Township Council, when applied to by a majority of the Trustees of any School Section, who wish to make a Free School, to raise the amount necessary, by a tax upon the rateable property in such School Section for the Teacher's salary. I should recommend also, that Teachers' Institutes be established in every District, and encouraged by Government, and some provision, if possible, made for Common School Libraries throughout the Province.*

V. Mr. E. Bingham, Glanford.—The Act of 1846 Preferable to that of 1849.—County Superintendent Preferred to Township Ones.

I beg to inform you that the sentiments of a large number of intelligent friends are in accordance with my own views of the practical working of the School Law. Those that I have conversed with are unanimous in their opinion that the School Act of 1846 is, most decidedly, to be preferred to that the (Cameron) one of 1849. It is the very general opinion in this section of the Province that, if Parliament should revive the late School Act, and substitute it for the present one, with some trifling amendments, it would give that satisfaction to the public, so anxiously looked for.

One very objectionable feature in the (Cameron) Act of 1849 is the denuding the Central Board of Education of the power of choosing School Text Books and substituting Country Boards with these powers in its place. It is obvious to every intelligent person that a multiplicity of Boards, even if they are appointed by the Governor, will be diversified in their opinions. Not only so, but that conflicting Rules and Regulations, with a variety of School Books must inevitably be the result, and directly, or remotely, very seriously operate in retarding the Normal School system, and prevent its efficiency.

I will here make a passing remark with respect to Superintendents of Common Schools, and give it as my opinion—and I am not singular—that County Superintendents are calculated to awaken an ambition and enterprise in Common Schools that cannot be expected from a system of Township Superintendency.

The School Act of 1846, as I have observed, requires some amendments, and I would submit that the Sections of that Act which make provision for Separate Schools should, I think, be repealed. The effects that have resulted from attempts to establish Separate Schools have not met the expectations of the most sanguine advocates of the system, so provision should be made that, at any time, the inhabitants of any County, Township, or School Section, may petition the Council for a free School, or Schools, as the case may be.

VI. Mr. Christopher McAlpin, Crowland.—School Act of 1846 Preferred to that of 1849.

I have cause to believe, that the people generally regret the passage of the New (Cameron) School Act of 1849, and that they feel convinced that the permanent continuance of the late School Act of 1846, (with such occasional amendments, as time and experience may here suggest), would be, infinitely more conducive to the interests of education than this new School Act can possibly be.

I beg to submit some of the arguments on which I wish to know your opinion:

First:—Though I admit, that the best Educational Bill, that can be framed, may meet some opposition, still, I confidently believe, that the late School Act of 1846, has been on the tide of successful experiment and that, the more the people became acquainted with its provisions and forms, the more they became reconciled to, and satisfied with its operations.

*All of the things here proposed have been fully provided for in the School Act of 1850.

Secondly:—Since the machinery of a School Act necessarily requires sometime for the people to gain that intimate acquaintance, with its provisions and forms necessary to carry it into successful operation, then it is painful to find it suddenly repealed. It appears to me, that the financial arrangement under the late Act, of 1846, in regard to the duties and functions of District Superintendents, is the most judicious, that can be devised, also the power of examining Teachers and granting Certificates of Qualification, is much better vested in the hands of one good man.

Thirdly:—Under the School Act of 1846, most properly, no Teachers were eligible to obtain Certificates of Qualification, but British Subjects; this stands repealed under the New (Cameron) School Act of 1849—This I lament, for the following cogent reasons:—The Province has been at the expense of about Fifteen Hundred pounds, (£1,500,) per annum, to support a Normal and a Model School, and nobly too, for the purpose of presenting inducements to the youth of our Country to become efficient Teachers, under the very just and reasonable expectations, of obtaining for their future services, liberal wages and permanent employment and what, as a consequence, of the New (Cameron) School Act, will be so mortifying to our youth, is the fact, that, after Legislative encouragement and protection, had been held out to them, during a brief season, by the School Act of 1846, that it has been suddenly snatched from them by the New (Cameron) School Act, of 1849.

It is a well known fact, that previous to the passage of the late School Act, of 1846, American Teachers flocked into this District, and many of them taught School for eight, or ten, dollars a month. It will be equally certain that the hundreds of Canadian youth, who had been stimulated to landable exertions in the pursuit of science, under the late Act, will at once become discouraged under the New Act, because they will find, that they cannot afford to toil through years of application and expense, in order to become intimately acquainted with various and increasing branches, required to be taught in Common Schools, and then get no more remuneration than the common labourer. I beg of you, and your friends to reflect on these facts. It is the effects of measures upon our own Country, that we ought to look to, and justly calculate upon. My only object or wish, is to raise the moral, literary and intellectual standard of the youth of our fine Province.

VII. Mr. Richard Graham, Fort Erie.—County Superintendents prefered to Township ones The Act of 1849 not an improvement.

Having paid some attention to the working of the Malcolm Cameron Common School Law of last year, and having also some experience in the working of all School Laws, we ever had in Canada, I may be permitted to give you my opinion on this matter, or on some of the points suggested in your Circular of the 9th ultimo. The necessary amendments of the Law, to make it work with the New Municipal Institutions, were expected, but the sweeping revision that took place last year, was an injury,—at least it was not bettered; in the first place, the abolition of County Superintendents and the substitution of Township Superintendents will not be any improvement; I am satisfied that a County Superintendent is a necessary office; and, by many, it is still thought that a Township Superintendent is necessary also; but I cannot see any convenience from that other than that the Teachers may receive their money more readily. In no case should Township, Superintendents be authorized to grant Certificates of Qualification to Teachers; this power should be vested in the County Board alone. The County Superintendent, being on the spot, can correct and condense the Trustees Reports and being the disbursee of the School fund, will be able to check fraud, practised to obtain the same—much more readily, than the County Clerk, or any other Officer, who may have other prescribed duties.

You ask whether the control over School Books should be vested in County Boards of Education, or in the Central Board of Education at Toronto: I cannot see any harm in placing the control in such a Board, but I may ask, what is the utility of such a local Body? what will they have to do, that a County Superintendent may not as well do?

To establish a sound basis of Elementary Education is, or should be, one of the first duties of the State, and, as uniformity in everything, except politics, is desirable in producing improvement, so I should think that plan the best, that would produce the greatest possible uniformity in the instruction of the youth of this Province, and as the system adopted in the Normal School, is unquestionably the best in the hands of a skilful Teacher; I certainly do think, it would be better, to place the control of School Text Books in a Central Board, who might have wisdom enough to recommend their views in a mild way, rather than to command. I became convinced, last year, of the superiority of the system recommended by the Normal School Training and set to work to obtain a trained Teacher, in the Section, where I live, and now, I am happy to say, there are four of the Normal School trained Teachers, in this Town,—Bertie Township having full Schools and, in every one the Books recomended by the Central Board, are used, and, I may add, by one-half of the Schools in the Township also.

The views of the Chief Superintendent regarding Free Schools, which, by the way, the *Journal of Education* has materially helped to diffuse,* where views on these subjects were most wanted, Trustees and others will soon become convinced that it is the soundest method of sustaining schools throughout the Land; but, very likely, some years must pass before it will prevail, or before it will be necessary for Legislative enactment.†

* The Chief Superintendent's Address on Free Schools, to which Mr. Graham here refers, will be found on pages 73-81 of this Volume.

† Free Schools were not made part of the Law of the land, until 1871.

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However, we here have commenced, and three Schools in this Township are, or will be, supported by tax on property, during the present year. There is only one objection to placing the power of control of School Text Books in a Central Board, that is, it may give, which is now the case, a monopoly of furnishing School Books, to some particular Publisher, who will produce a very inferior article, particularly in the binding, but for this, there is no Legislative remedy.*

VIII. The Reverend Ephraim B. Harper.—Central Board Control of Text Books preferred.

You ask "whether the control over School Text Books should be vested in County Boards of Education, or in the Central Board of Education at Toronto?"

Upon this point I would say that it is my deliberate conviction, that to "produce that uniformity in the System which is so very desirable, and without which the Normal School system cannot be efficiently carried out," the control of Text Books, to be used in Schools, should, with certain limitations and restrictions, be placed in the hands of the Central Board at Toronto.

I would add, that I think the Board at Toronto should have the power to require the use of such Text Books in the various departments of secular learning as they shall judge best; and, as I believe that the knowlege of God, as revealed in the Holy Scriptures, should form a part of Education, I would beg farther to suggest the propriety of the Central Board at Toronto, enjoining the use of the Holy Scriptures in all Schools, except where the parents of the children attending disapprove of the same.

The vesting of the control of School Books in the County Boards of Education, would, perhaps, be a more popular measure, but would not, I think, be as productive of benefit to the uniformity and efficiency of Common School Education.

IX. The Reverened William McCullough, Picton.—County Superintendents Preferred.—Central Board to have Control of School Books.

I am happy to find that the Government take such a deep interest in the important subject of Common School Education. And I do sincerly hope that the "Bill" now under consideration will be so simple that all will understand it.

With regard to the points of inquiry in your Communication, my own mind has been made up for some time. But, in compliance with your suggestion, I have conversed with experienced School Teachers, respectable and intelligent Trustees, and many leading persons in this County, and especially with one, who, for many years, was a member of the Provincial Parliament, and they are all of opinion that, in order to secure uniformity in the practical operation of the School System, it is essential to give the direction and control of School Text Books to the Central Board of Education at Toronto.

I beg further to state that I am decidely in favour of a County Superintendent. He should be required to visit each School Section at least four times in the year. I would leave the appointment of County Superintendent with the Government, and would have them amenable to the Government alone.

There is no necessity for Township Superintendents. They are appointed for the most part without any regard to qualification, and many of them are incapable of examining School Teachers.

I would respectively suggest the propriety of appointing Ministers of the Gospel as School Visitors. The peculiar economy of the Wesleyan Church gives Wesleyan Ministers a favourable opportunity of visiting Schools without sacrifice of time, or personal inconvenience.†

The School Tax is unpopular; but it is important and should be continued. I do not see that any important change can be effected in the appointment of Trustees, or their time of serving. I would only say, give them as much power as you can, consistently with the prejudices of the people.

PART IV. PROCEEDINGS OF VARIOUS COUNTY COUNCILS, IN REGARD TO EDUCATION, AND THE PROPOSED SCHOOL BILL OF 1850.

I. The United Counties of Wentworth and Halton.

Resolved, That a Memorial from this Council be presented to His Excellency the Governor General, and to the two branches of the Legislature, setting forth the propriety of merging the office of Chief Superintendent of Education in some Government Department, since thereby a considerable saving would be effected to the fund set apart for Educational purposes.‡

II. The Municipal Council of the County of York.

The Standing Committee on Education desire to report that the only matters relating to Education placed by the Municipal and School Acts under the control of the County Council refer to raising an equivalent to the Government School Grant, and to routine duties to be performed by the County Officers.

* This question of "monopoly," in regard to School Text Books, has always been a most difficult one to deal with.

† See what is said on this matter by the Reverend John Climie on page — of this Chapter.

‡ See Petition on this subject on page one of this Volume.

In regard to the subject of assessing the County for the erection of Grammar Schools, referred to this Committee, it appears that the expense of erecting two of these School Houses have been defrayed by voluntary contribution and it would hardly be just to make the erection of the third one chargeable upon the funds of the County; at the same time it is also worthy of remark, that the condition, attached by the sale of School Lands Act of 1844, 4th and 5th Victoria, Chapter 19, requires the inhabitants of the locality, where a Grammar School may be established to provide a suitable School House.*

(NOTE. On the passing of the School Act of 1850, the County Council passed a By-law, dividing the County of York into School Circuits, as provided by that Act)

III. THE MUNICIPAL COUNCIL OF THE COUNTY OF NORTHUMBERLAND.

The Special Committee appointed to Report upon the new School Bill now in progress of passing into a law, beg leave to Report, that, from the attention which they have been able to bestow during the time in which they have had the Bill under their consideration, they are unable to specify more particularly the alterations which occurred to them as being desirable.

The great objection to the Bill is, in the opinion of your Committee, the unlimited power which some Sections of the Bill will place in the hands of the Chief Superintendent of Education. The Committee feel great diffidence in offering suggestions upon other parts of so important a Measure; but, upon the recommendation to circumscribe the power of the Chief Superintendent, as far as would be consistent with the efficient performance of the duties of so important an office, your Committee are of opinion that no diversity of opinion can exist.

Your Committee beg to refer more particularly to the words in the fourth line of the 31st Section of the proposed Bill included within a parenthesis as follow: ("unless otherwise instructed by the Chief Superintendent of Schools,") and bearing particularly upon the opinion above referred to, these words are highly objectionable, as leaving the local Superintendent too much under controul and domination of the Chief Superintendent of Education with reference to the disposal of the School monies provided for in that 31st Section of the Bill.

The proposed alterations, as regards the distribution of School money through the Treasurers and Sub-Treasures and others are not desirable, the present mode, of keeping and disbursing the same being in every way preferable, inasmuch as it passes through the fewer hands, and is consequently more free from deductions, or percentage.

Your Committee are also of opinion that the appointment of Local Superintendent should be left with the several Local Township Municipalities as at present, and that the Township Councils should be invested with power to select Sites for School Houses in their respective municipalities, under provisions similar to those connected with establishing wards, as touching the rights of parties from whom such property may have been taken, or required. (Approved by the Council)

PART V. THE CHIEF SUPERINTENDENT OF EDUCATION TO THE INSPECTOR GENERAL.

In addition to the information desired by the Inspector General from Local Superintendents and others interested in Common School legislation, he requested the Chief Superintendent to furnish him with particulars as to the nature and provisions for imparting Religious Instruction in the Schools. This Doctor Ryerson did, and furnished him with the desired information in the following Letter:—

According to your wish, I herewith enclose you copy of the Minutes of the Provincial Board of Education, providing for Religious Instruction and attendance upon Public Worship of the Student-Teachers in the Normal School.†

I also enclose you a collection of the Annual Reports of the Irish National Board of Education, containing the Regulations of that Board in respect to Religious Instruction both for the Normal School Students, and in the Rural National Schools. (See paragraphs as marked.)‡

I likewise enclose you a copy of our own printed Forms and Regulations for Common Schools, from which you will see the provision I have made in respect to Religious Instruction, and other matters in Canadian Schools, upon the principles of the Irish National System.§

*This Act was passed in 1841, and will be found on pages 55, 56 of the Fourth Volume of this Documentary History. It provides for the distribution of the proceeds of the School Lands to the Several Districts in Upper Canada for the erection and support of Grammar Schools.

†This information is fully given in a subsequent Chapter of this Volume.

‡This information is given on pages 155, 156 of the Sixth Volume of this Documentary History. See also pages 147-155. It is given in detail in an elaborate Report on "Religious Instruction in the Public Schools of Ontario," which I prepared for the Provincial Government in 1882. In that Report the question of Religious Instruction in New England and in the Irish National Schools is fully discussed and exemplified. See also the Chief Superintendent's Annual Report for 1857.

§These Forms and Regulations applicable to the Common Schools are given in a subsequent Chapter of this volume.

In order that you may see that what I have proposed to you, as to the unity, the gradation, the essential identity of the whole System of Public Instruction, is no new idea that I have conceived, I enclose you a copy of my Report on a System of Public Elementary Instruction in Upper Canada,* (prepared four years since,) in one paragraph of which I have sketched the whole system, and have in it indicated the kind and gradation of Schools by which our System may be carried into effect.

You will observe from the documents above referred to, as well as from my Letter of the 14th of last July to the Honourable Robert Baldwin,† that the religious basis which I have advocated for the entire system of Public Instruction in Upper Canada is that of the Irish National Board and of the New England States,—essentially Christian, but perfectly non-sectarian; the whole of which, so far as legislation is concerned, will be accomplished, should the Government constitute the University Senate the Board of Education for Upper Canada, and authorize it to make such Regulations, as it should judge expedient for the Religious Instruction and attendance upon Public Worship of the undergraduates in the University and of the Students in the Normal School, according to their respective forms of faith, anything contained in any law, or statute, to the contrary notwithstanding: Provided always, that no part of the University, or Normal School, Funds should be expended for that purpose.

With such a provision, the University, as well as our whole School System, can be defended and advocated, not only upon Christian principles, but after the example of the Irish National School System, the Queen's Colleges for Ireland, and the American Colleges. But the latter part of the 29th Section of the University Act of 1849, is opposed to these principles and examples;‡ it may be submitted to for the moment, but is not relished and cannot be defended by any Religious Community, and, if not modified, will, I think, ultimately make denominational Colleges the order of the day in this Country, if not cause the final abandonment of a Provincial University and the application of its funds to other educational, or general purposes.

I wish, with all my heart, to see the University of Toronto placed upon such a foundation that I could advocate it, and show that it was both the duty and interest of all Denominations, Ministers and people, and of all friends of the Country to support it upon the same ground that I have successfully urged them to support the System of Common Schools. I have collected in different Countries ample materials and authorities to illustrate these views in regard to Collegiate, as well as Common School, education; but I have, as yet, made no use of them, on account of the circumstances in which I have been placed, arising from prejudices and jealousies created by statements which I may, (after their matters are disposed of,) show are as utterly untrue, as would be charges against me for arson and murder. But, with the increased and most influential kind of circulation which you and the Honourable W. H. Merritt professed to enable me to give, to the *Journal of Education*, and having the whole system of Public Instruction opened to me, and not merely the Normal and Common Schools, as heretofore, to advance the interests of the higher, as well as elementory, education of the Country. I submit the whole subject—including making the University free—to your most serious consideration.

TORONTO, 4th of March, 1850. EGERTON RYERSON.

* This Report is printed *in extenso* in the Sixth Volume of this Documentary History, pages 139-211.

† This Letter is printed on pages 231, 232, of the Eighth Volume of this Documentary History.

‡ This Twenty-ninth Section of the Baldwin University Act of 1849 will be found on page 155 of the Eighth Volume of Documentary History.

CHAPTER IV.

APPEAL OF THE CHIEF SUPERINTENDENT OF EDUCATION IN FAVOUR OF FREE SCHOOL IN UPPER CANADA.

From the period of his first appointment in 1844, as Chief Superintendent of Education, Doctor Ryerson was strongly impressed with the necessity of providing, by means of a certain and efficient financial system, for the maintenance of the Elementary Schools of Upper Canada. His convictions on this subject were strenghted after he made his tour of inquiry in regard to Systems of Education in Europe, and especially in the adjoining States of Massachussetts and New York. In submitting the Draft, therefore, of his first Common School Act in 1846, he emphasized the importance of making effective provision for the support of the Common Schools of the Province. He then pointed out the inefficient and unsatisfactory method of seeking to support these Schools—apart from the Legislative Grant and its Municipal equivalent—by means of School fees chargeable by Rate Bill upon parents who sent children to the Schools.* In each subsequent Annual School Report, Doctor Ryerson referred more, or less at length, to this fundamentaly important feature of our School System.

With the special object of promoting the passage of the School Bill of 1850, which he had prepared—into which the principle of Free Schools was to be embodied,—he issued a strong Appeal in *The Journal of Education for Upper Canada* on the Subject of Free Schools. In this Address, which follows, are embodied the various arguments which he had hitherto used in commending Free Schools to the People of Upper Canada. He also, in that Address, cited the examples of those Educating Countries and States which had successfully embodied in their School Codes the essentially fundamental principle of maintaining the Schools by a specific rate upon property, as an efficient and economical system for their financial support.

In his Circular to the County Municipalities, in 1846, Doctor Ryerson thus pointed out what was "the basis and reason of local taxation for Public Schools," He said:—

> The basis of this only true system of universal Education is two fold :—
>
> 1st: that every inhabitant of a Country is bound to contribute to the support of its Public Institutions, according to the property which he acquires, or enjoys, under the Government of the Country.
>
> 2nd : That every child born, or brought up in the Country, has a right to that education which will fit him for the duties of a useful citizen of the Country, and is not to be deprived of it, on account of the inability, or poverty, of his parents, or guardians.

*In submitting his Draft of the Common School Bill of 1846, to the Government, Doctor Ryerson said :—"The next important change [in the School Act of 1843], which I propose is that the Rate Bill imposed by the School Trustees shall be levied upon the inhabitants of each School Section generally, according to their property. . . . This provision of the Bill was lost in the House of Assembly by a majority of four, or five." "It was," as Doctor Ryerson said," "the poor man's clause, and the clause of the enlightened patriot; the loss of it inflicted great injury upon the Common Schools, besides involving Trustees in great perplexity and embarrassment" . . . See Note on page 76 of the Sixth Volume of this Documentary History.

Doctor Ryerson then goes on to show that this financial principle for the support of Schools, is a cardinal one in the Massachusetts and New York systems of Schools. He said :—

The right of the child involves corresponding obligations on the part of the State, and the poverty of the child adds the claims of charity to the demands of civil right. In the Annual Report for 1845, of the Board of Education for the State of Massachusetts, this principle is stated as follows :—

"The cardinal principle which lies at the foundation of our Educational system is, that all the children of the State shall be educated by the State. As our Government was founded upon the virtue and intelligence of the people, it was rightly concluded by its framers, that without a wise Educational System, the Government itself could not exist ; and, in ordaining that the expenses of educating the people, should be defrayed by the people at large, without reference to the particular benefit of individuals, it was considered that those who, perhaps, without children of their own, nevertheless would still be compelled to pay, would receive an ample equivalent in the protection of their persons, and the security of their property ;"

Doctor Ryerson thus concludes his Circular of 1846 to the County Municipalities of Upper Canada :—

Summary of the advantages of a Public Provision for Supporting the Schools.

Some of the advantages of this System of supporting the Schools are the following :—

1. The child of the poor man, equally with that of the rich, has the opportunity of obtaining a good common School education.

2. The removal of all inducements from any parent, or guardian, arising from the payment of school fees, to keeping his children from School, and, consequently, the more general and longer is the attendance of children at school.

3. The support of better Schools, at less expense to parents, who educate their children in the Common School,—as the burthen upon individuals would be lessened, by dividing it among the inhabitants at large, according to their property.

4. The prevention of differences between Trustees and their neighbours, arising out of the imposition, or collection, or non-payment, of the Trustees Rate Bills on parents and guardians.

5. The regular and punctual payment of Teachers, quarterly, or half yearly, out of the School Fund and local School Rate.

DOCTOR RYERSON'S ADDRESS ON THE ADVANTAGES OF FREE SCHOOLS, 1850.

I desire to invite the attention of the Public Press, of municipal Councillors and School Trustees, of Clergy and Magistrates, and of other person interested in the education of all the youth of Canada, to the principle on which the expense of promoting that object should be defrayed.

The School Law authorizes two methods, in addition to that of Voluntary Contributions ; (1), the method of Rate-Bill on parents sending children to school, and (2), the method of assessment on the property of all, thus securing to the children of all classes equal access to School instruction. The discretionary power of adopting either method,is placed by law,—where I think it ought to be placed, in the hands of the people themselves in each municipality. My present object is, simply to submit to your consideration the principal reasons which induce me to think that the one of these methods is better than the other, in order to secure to your children the advantages of good Education. The method which I believe you will find most efficent, has been thus defined :—

A Tax upon the Property of all for the Education of all.—Results Noted.

1. My reason for commending this as the best method of providing for the education of your children is, that the people of the New England States, who have been educated under it for two hundred years, are distinguished for personal independence, general intelligence, great industry, economy and prosperity, and a wide diffusion of the comforts and enjoyments of domestic life. The truth of this remark, in reference to the character and condition of the people of the New England States, will, I presume, be disputed by none. If their system of civil government be thought less favourable to the cultivation and exercise of some of the higher virtues than that which we enjoy, the efficacy of their School system is the more apparent under circumstances of comparative disadvantage. I will give the origin of this School system in the words of the English *Quarterly Journal of Education*—published under the superintendence of the "Society for the Diffusion of useful Knowledge" and at a time when Lord Brougham was Chairman and Lord John Russell, Vice-Chairman, of the Educational Committee:—

"The first hint of this system,—the great principle of which is, that the property of all,—is to be found in the record of the City of Boston for the year 1635, when, at a public, or 'Body' Meeting, a Schoolmaster was appointed 'for the teaching and nurturing of children among us,' and a portion of the public lands were given him for his support, this, it should be remembered, was done within five years after the first peopling of that little New England peninsula, and before the humblest wants of its inhabitants were supplied; while their very subsistance, from year to year, was uncertain; and while no man in the Colony slept in his bed without apprehension from the savages, who not only everywhere crossed over their borders, but still dwelt in the midst of them.

"This was soon imitated in other Villages and Hamlets which were springing up in the wilderness. Winthrop, the earliest Governor of the Massachusetts Colony, and the great patron of Free-Schools, says in his Journal, under date of 1645, that divers Free-Schools were erected in that year in other Towns, and that in Boston it was determined to allow forever Fifty pounds, (£50,) a year to the Master, with a House, and Thirty pounds, a year (£30,) to an Usher of the School. But thus far only the individual Towns had acted. Two hundred years ago, in 1647, however, the Colonial Assembly of Massachusetts made provision by law, that every Town in which there were fifty families should keep open a Free-School, in which Reading and Writing could be taught; and every Town where there were One Hundred families should maintain a School, where youth could be prepared in Latin, Greek and Mathematics, for the College, or University, which, in 1638 had been established by the same authority at Cambridge, Massachusetts. In 1656 and 1672, the Colonies of Connecticut and New Haven enacted similar laws; and from that time forward the system spread with the extending population of that part of America, until the Free School System became one of its settled and prominent characteristics of these Colonies, and has so continued to the present day.*

The Theory of the Schools, as stated by Webster, a leading American Statesman.

I will now present the character of this system in the words of those who best understand it. That great American Statesman, the Honourable Daniel Webster, received his early training in a Free-School. Mr. Webster, in his published Speech on the constitution of Massachusetts, expresses himself on its Free-School System in the following words:—

"In this particular, New England may be allowed to claim, I think, a merit of a peculiar character. She early adopted and has constantly maintained the principle, that it is the undoubted right, and the bounden duty of Government, to provide for the instruction of all its youth. That which is elsewhere left to chance, or to charity, we, in New England, secure by law. For the purpose of public instruction, we hold every man is subject to taxation in proportion to his property, and we look not to the question, whether he himself have, or have not, children to be benefited by the education for which he pays.

We regard Free Schools as a wise and liberal system of police, by which property, and life, and the peace of society are secured. We seek to prevent, in some measure, the extension of the penal code, by inspiring a salutary and conservative principle of virtue and knowledge in the early age of youth. We hope to excite a feeling of respectability, and a sense of character, by enlarging the capacity, and increasing the sphere of intellectual enjoyment. By general instruction, we seek, as far as possible, to purify the whole moral atmosphere; to keep good sentiments uppermost, and to turn the strong current of feeling and opinion, as well as the censures of the law, and the denunciations of Religion, against immorality and crime. We hope for a security, beyond the law, and above the law, in the prevalence of enlightened and well-principled moral sentiment. We hope to continue and prolong the time, when, in the Villages and in the farm-houses of New England, there may be undisturbed sleep within unbarred doors. And knowing that our Government rests directly on the public will, that we may preserve it, we endeavour to give a safe and proper direction to that public will. We do not, indeed, expect all men to be philosophers, or statesmen; but we confidently trust, and our expectation of the duration of our System of Government rests on that trust, that, by the diffusion of general knowledge, and good and virtuous sentiments, the political fabric may be secure, as well against open violence and overthrow, as against the slow but sure undermining of licentiousness."†

The Honourable Edward Everett, on the Advantages of Useful Knowledge to Working Men.

The Honourable Edward Everett,—late President of Harvard University, late Governor of the State of Massachusetts, and late American Ambassador to England,—remarks, as follows, in his Address on the Advantage of Useful Knowledge to Working Men:—

"Think of the inestimable good conferred on all succeeding generations by the early settlers of America, who first established the system of Free Public Schools where instruction should be furnished without fees being chargable to all the children in the community. No such thing as such Free Schools was before known in the world. There were Schools and Colleges, supported by funds which had been bequeathed by charitable individuals; and, in consequence, most of the Common Schools of this kind in Europe, were regarded as establishments for the poor, as was the case in England until a late date. So deep-rooted is this idea that when I have been applied to for information as to our Free Public Schools from those parts of the world where no such system exists, I have frequently found it hard to obtain credit, when I have declared, that there is nothing disreputable in the public

*The whole of this Article from the *English Journal of Education*, on the "System of Free Schools in the New England States" is given in full in the *Journal of Education for Upper Canada* of 1848. Other articles on "Free Schools" will be found in the Volumes for 1848, 1849 and 1850.

† This extract is taken from page 101 of the *Journal of Education for Upper Canada*, of April, 1848.

opinion here, in sending children to Schools supported at the public charge, by rate upon property. The idea of Free-Schools for the whole people, when it first crossed the minds of our forefathers, was entirely original; but how much of the prosperity and happiness of their children and posterity has flowed from this living spring of public intelligence."

The Adverse Circumstances under which the Pilgrim Fathers conceived the idea of Free Schools.

The following extracts from the Annual School Reports of 1847 and 1848, prepared by the Secretary of the Massachusetts Board of Education, deserve special attention as well for the beauty of their language, as for the nobleness of the sentiments which they express:—

"The year 1847 completes the second century since the Free Schools of Massachusetts were first established. In 1647, when a few scattered and feeble Settlements, almost buried in the depths of the forests, were all that constituted the Colony of Massachusetts; when the entire population consisted of twenty-one thousand souls, (21,000;) when the external means of the people were small, their dwellings humble, and their raiment and subsistence scanty and homely; when the whole valuation of all the Colonial Estates, both public and private,—would hardly equal the inventory of many a private individual at the present day; when the fierce eye of the savage was nightly seen glaring from the edge of the surrounding wilderness, and no defence, or succor, was at hand; it was then, amid all of these privations and dangers, that the Pilgrim Fathers conceived the magnificent idea of a Free and Universal Education for the people; and, amid all their poverty, they stinted themselves to a still scantier pittance;—amid all their toils, they imposed upon themselves still more burdensome labours;—amid all their perils, they braved still greater dangers, that they might find the time and the means to reduce their grand conception to practice.

"Two divine ideas filled their great hearts,—their duty to God and their duty to posterity. For the one, they built the Church; for the other, they opened the Free-School. Religion and Known ledge:—two attributes of the same Glorious and Eternal Truth,—and that truth, the only one on which immortal, or mortal, happiness can be securely founded.

"As an innovation upon all pre-existing policy and usages, the establishment of Free-Schools was the boldest theory ever promulgated, since the commencement of the Christian era. As an untried scheme, based upon pure theory, that theory could have been refuted and silenced by a more formidable array of argument and experience than was ever marshalled against any other opinion of human origin. But time has ratified its soundness. Two centuries now proclaim it to be as wise as it was courageous, as beneficent as it was disinterested. It was one of those grand mental and moral experiments whose effects cannot be determined in a single generation. But now, according to the manner in which human life is computed, we are the sixth generation from its founders, and have we not reason to be grateful both to God and to the man of two centuries ago for its unnumbered blessings! The sincerity of our gratitude must be tested by our efforts to perpetuate and improve what they established."—(*Tenth Annual Report to the Massachusetts Board of Education, for 1847.*)

Massachusetts the Mother of all the New England Free-School Systems.

"The Massachusetts School System represents favourably the Free School System of all the New England States. Not one of them has an element of prosperity, or of permanence, of security against decay within, or the invasion of its rights from without, which ours does not possess. Our law requires that a Free School should be sustained in every Town in the State,—even the smallest and the poorest not being excepted:—and that this School shall be as open and free to all the children as the light of day, or the air of heaven. No child is met on the threshold of the School-House door to be asked for money, or whether his parents are native, or foreign,—whether, or not, they pay a tax, or what is their faith. The School-House is common property! All about it and in its neighborhood are enclosures and hedges, indicating private ownership and forbidding intrusion; but there is a spot which even rapacity dares not lay its finger upon. The most avaricious would as soon think of monopolizing the summer cloud, as it comes floating up from the west to shed its treasures upon the thirsty earth as of monopolising these fountains of knowledge. Public opinion—that sovereign in representative governments,—is in harmony with the law. Not unfrequently there is some private opposition, and occasionally it avows itself and assumes an attitude of hostility; but perseverence on the part of the friends of progress always subdues it, and the success of their measures eventually shame it out of existance,—(*Eleventh Annual Report of the Massachusetts Board of Education Report, 1848.*)

"It is a gratifying circumstance that many of our Sister States, convinced by our success, have followed our example; and, at the present time, in the rich and populous County of Lancashire, in England, a movement is on foot, led on by some of the best men in the United Kingdom, whose object is to petition Parliament for a charter, empowering that County to establish a System of Free Schools on a basis similar to ours".—*Ibid.*

What have been the Results of Free-Schools in New England may also be the same in Upper Canada.

These extracts contain the testimony of the most competent witnesses as to the principles and efficiency of the Free School System: while the well-known character of the New-England people for self-reliance, economy, industry, morality, intelligence and general enterprise, is a sufficient illustration of the influence and tendency of that system, even under the influence of many disadvantages, and a peculiar form of Government. What such a

system of Free Schools has accomplished in the less genial climate of New-England, under such circumstances, will it not accomplish in Upper Canada under more favourable circumstances? It is worthy of remark, that, in no State or City, where the Free-School System has been tried, has it ever been abandoned. The inhabitants of New-England who have tried it for two centuries, (and they are second to no people in their rigid notions of economy and individual rights,) regard it as the greatest blessing which their Country enjoys, and her highest glory. Other Cities, Towns and States are adopting the New-England System of supporting Schools, as fast as they become acquainted with its principles and operations.

The Great Economy of the Free School System Explained and Illustrated.

II. The second ground on which I commend this system of supporting Common Schools to the favourable consideration, of those whom I address, is its cheapness to parents educating their children. I will select the example of one Municipal District, rather better than an average specimen and the same mode of reasoning will apply to every Municipal District in Upper Canada, and with the same results. In one District there were reported Two Hundred Schools in operation in 1848; the average time of keeping open the Schools was eight months; the average salaries of Teachers was £45 7s. 1d., ($181.42) the total amount of the money available for the Teachers' Salaries, including the Legislative Grant, Council Equivalent Assessment and Rate-Bills, was £7,401 18s. 4½d; ($29,607.67), the whole number of pupils between the ages of five and sixteen years on the School Registers, was 9,147; the total number of children between those ages resident in the District, 20,600; cost per pupil for eight months, about sixteen shillings ($3.20). Here it will be seen that more than one-half of the children of school age in the District were not attending any School whatever. Now, suppose the Schools be kept open the whole year, instead of two-thirds of it, suppose the Male and Female Teachers to be equal in number, and the salaries of the former to average £60, ($240.) and those of the latter £40; ($160.) suppose the 20,600 children to be in the schools instead of 9,147 of them. The whole sum required for the salaries of the Teachers would be £10,000—($40,000), the cost per pupil would be less than ten shillings ($2.)—less than five shillings ($1) per inhabitant—which would be reduced still further by deducting from the cost the amount of the Legislative School Grant. Thus would a provision be made for the education of every child in the District for the whole year; there would be no trouble, or disputes, about quarterly School-Rate Bills; there would be no difficulty in getting good Teachers; the character and efficiency of the Schools would be as much improved as the attendance of pupils would be increased; every child would be educated, and educated by the contribution of every man according to his property and means.

Free Schools With Good Teachers are Invariably the Best and Cheapest.

III. This is also the most effectual method of providing the best, as well as the cheapest, Schools for the youth of each School Section. Our Schools are often now poor and feeble, because a large portion of the best educated inhabitants stand aloof from them, as unworthy of their support, as unfit to, from their inferiority to educate their children. Thus the Common Schools are frequently left to the care and support of the least instructed part of the population, and are then complained of as inferior in character and badly supported. The Free-School System makes every man a supporter of the School, according to his property. All persons, and especially the more wealthy,—who are thus financially identified with the School,—will naturally feel interested in it; they will be anxious that their contributions to the School should be as effective as possible, and that they themselves may derive, directly, or otherwise, all possible benefit from it. When the various inhabitants of a School Section thus become concerned in the School of that Section, its character and efficiency will inevitably be advanced. The more wealthy contributors with children will seek to make the school fit and efficient for the English education of these children; the Trustees will be under no fears from the disinclination, or opposition, of particular individuals in employing a suitable Teacher and stipulating with him as to his salary; and thus is the foundation laid for a good School, adapted to all the youth of the Section. The character of the School will be as much advanced as the expense of it to individual parents will be diminished; the son of the poor man, equally with the son of the rich man, will drink from the stream of knowledge at the common fountain, and will experience corresponding elevation of thought, sentiment, feeling and pursuit. Such a sight cannot fail to gladden the heart of Christian humanity in Upper Canada.

Free-Schools the True and Effectual Remedy for the Pernicious and Pauperizing System at Present in use.

IV. The Free School System is the true, and, I think, only effectual remedy for the pernicious and pauperizing system which is at present incident to our Common Schools. Many children are now kept from school on the alleged grounds of parental poverty. How far this excuse is well founded, is immaterial to the question in hand; of the fact of the excuse itself, and of its wide-spread, deadning influence, there can be no doubt. Trustees of Schools are by law invested with authority to exonerate poor parents, desirous of educating their children, from the pay-

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ment of a School-Rate Bill,—an additional amount of Rate-Bill being imposed upon the more wealthy parents of children attending the School; in order to make up for the deficiencies occasioned by the exemption of the poorer parents. Such parents are thus invested with the character of paupers; their children are educated as pauper children; while other parents, sooner than attach to themselves and children such a designation, will keep their children from School altogether, thus entailing upon them the curse of ignorance, if not of idleness, in addition to the misfortune of poverty. Now, while one class of poor children are altogether deprived of the benefits of education by parental pride, or indifference; the other class of them are educated as paupers, or as ragged scholars. Is it not likely that children educated under this character, will imbibe the spirit of it? If we would wish them to feel and act and rely upon themselves as free men, when they grow up to manhood, let them be educated in that spirit, when young. Such is the spirit of the Free-School System! It banishes the very idea of pauperism from the School. No child comes there by sufferance; but every one comes there upon the ground of right. The poor man, as well as the rich man, pays for the support of the School according to his means; and the right of his son to the School is thus as legal as is that of the rich man's son. It is true, that the poor man does not pay as large a tax in the abstract as his rich neighbour; but he pays his proportion of the tax and should not, therefore, the less be entitled to the protection of the law; nor should it less entitle him to the advantages provided by law for the education of his children. The grovelling and slavish spirit of pauperism becomes extinct in the atmosphere of the the Free School! Pauperism and 'Poor Laws' are unknown in Free School Countries; and a system of Free Schools would, in less than half a century, supersede their necessity in any Country.

The Comprehensive Educational Facilities and Advantages of Free Schools.

V. The system of Free Schools makes the best provision and furnishes the strongest inducements for the education of every youth in each School Section of the land. To compel the education of children by the terror of legal 'pains and penalties,' is at variance with my ideas of the true method of promoting universal education; but, to place before parents the strongest motives for educating their children, and to provide the best facilities for that purpose, is alike the dictate of sound policy and Christian Patriotism. The quarterly Rate-Bill System holds out an inducement and temptation to a parent to keep his child from the School. The parent's temptation and difficulty is increased in proportion to the number of children he has to educate. The Rate-Bill is always sufficient to tempt the indifferent parent to keep his child, or children, from the School; * it often compels the poor man to do so, or else to get them educated as paupers. In proportion to the smallness of attendance at the School will be the largeness of the Rate-Bill on each of the few supporters of it, in order to make up the salary of the Teacher; and as the School diminishes in the number of its pupils, so will the Rate-Bill increase on those that remain. The withdrawment of every pupil from the School, therefore, lessens the resources of the Trustees to fulfil their engagement with the Teacher, and increases the temptation to others to remove their children also. Thus are the Trustees often embarrassed and perplexed; Teachers are deprived of the just fruits of their labours;—good Teachers retiring and poor one's substituted;—Schools often closed, and hundreds and thousands of children left without school instruction of any kind. Now, the Free School System of supporting Schools puts an end to most of these evils. A rate being imposed upon each inhabitant of a School Section according to his property and means, provision is at once made for the education of every child in such Section. Every parent feels, that having paid his school rate,—whether little, or much,—he has paid what the law requires for that year's Common School education of all his children, and that they are all entitled, by law, to the benefits of the School. However poor a man may be, having paid what the law requires, he can claim the education of his children as a legal right, and not supplicate it as a pauper, or a beggar. His children go to the School, not in the character and spirit of ragged pauperism, but in the ennobling spirit of conscious right, and on equal vantage ground with others. Each parent, feeling, that he has paid for the education of his children, naturally desires, that they may have the benefit of it. While, therefore, the quarterly Rate-Bill per pupil is a temptation to each parent to keep his children from the School, the annual school rate upon property furnishes each parent with a corresponding inducement to send his children to school,—relieving Trustees, at the same time, from all fear and uncertainty as to the means of providing for the Teacher's Salary. It is not, therefore, surprising to find, that, wherever the Free School System has been tried in Upper Canada, or elsewhere, there the attendance of pupils at School has increased from fifty to three hundred *per centum*.

The facilities thus provided for the education of each child in a School Section, will leave the ignorant, careless, or unnatural, parent without excuse for the educational neglect of his children. The finger of universal reproof and scorn pointed at him will prove more powerful than statute law, and, without infringing any individual right, will morally compel him, in connexion with higher considerations, to send his children to School. This is the system of "Compulsory education," I wish to see everywhere in operation,—the compulsion of provision for the

* What is here indicated is shown to have occurred in various schools, on testimony cited by Doctor Ryerson, in submitting his Draft of School Bill in 1846. See Page 76 of the Sixth Volume of this Documentary History.

universal education of children,—the compulsion of their universal right to be educated,—the compulsion of universal interest in the School,—the compulsion of universal concentrated opinion in behalf of the education of every child in the land. Under such a system, in the course of ten years, an uneducated Canadian youth would be and should be regarded as a phenomenon.

RATE BILLS OFTEN A SOURCE OF NEIGHBOURS' DISPUTES, WHILE SCHOOL RATES UPON PROPERTY, BEING EQUITABLE, PRODUCE NONE.

VI. The System of Free Schools may also be commended upon the ground of its tendency to promote unity and mutual regard among the inhabitants of each school division. The imposition of quarterly Rate-Bills is a source of frequent neighbourhood disputes and divisions. The imposition of an annual rate upon all the inhabitants of a School Section, according to property, puts an end to quarterly Rate-Bill disputes and divisions, unites the feelings, as well as its interests of all, in one object, and tends to promote that unity and mutual regard, which a unity of object and a oneness of interest are calculated to create. The care and interest of one will be the care and interest of all,—that is, to have the best School possible;—and the intellectual light of that School, like the material light of heaven, will freely beam upon every child in the School Section.

FREE SCHOOLS ARE MOST CONSONANT WITH THE TRUE PRINCIPLES AND ENDS OF THE CIVIL GOVERNMENT.

VII. I think the system of Free Schools is, furthermore, most consonant with the true principles and ends of civil government. Can a more noble and economical provision be made for the security of life, liberty and property, then by removing and preventing the accumulation of that ignorance and its attendant vices, which are the great source of insecurity and danger, and the invariable pretext, if not justification, of despotism? Are any natural rights more fundamental and sacred than those of children to such an education as will fit them for their duties as citizens? If a parent is amenable to the laws, who takes away his child's life by violence, or wilfully exposes it to starvation, does he less violate the inherent rights of the child in exposing it to moral and intellectual starvation? It is noble to recognize this inalienable right of infancy and youth, by providing for them the means of education to which they are entitled,—not as children of particular families, but as children of our race and Country, and how perfectly does it harmonize with the true principles of Civil Government, for every man to support the laws and all institutions designed for the common good, according to his ability. This is the acknowledged principle of all just taxation; and it is the true principle of universal education. It links every man to his fellow-man in the obligations of the common interests; it wars with that greatest, meanest foe to all social advancement,—the isolation of selfish individuality; and implants and nourishes the spirit of true patriotism, by making each man feel, that the welfare of the whole society in his welfare,—that collective interests are first in order of importance and duty, and separate interests are second. And such relations and obligations have their counterpart in the spirit and injunctions of our Divine Christianity. There, while every man is required to bear his own burden according to his ability, the strong are to aid the weak, and the rich are to supply the deficiencies of the poor. This is the pervading feature and animating spirit of the Christian Religion; and it is the basis of that system of supporting Public Schools which demands the contribution of the poor man, according to his penury, and of the rich make according to his abundance.

OBJECTIONS AGAINST THE FREE SCHOOL SYSTEM CONSIDERED AND DISCUSSED.

VIII. But, against this System of Free Schools, certain objections have been made; the principal of which I will consider and answer:—

First Objection: "The Common Schools are not fit to educate the children of the higher classes of society, and, therefore, these classes ought not to be taxed for the support of the Common Schools."

Answer. The argument of this objection is the very cause of the evil on which the objection itself is founded. The unnatural and unpatriotic separation of the wealthier classes from the Common School has caused its inefficiency and alleged inferiority, if not degradation. Had the wealthy classes been identified with the Common School equally with their poorer neighbours,—as is the case in Free School Countries,—the Common School would have been fit for the education of their children, and proportionally better than it now is for the education of the children of the more numerous common classes of society. In the Free School Cities and of other Countries and States, the Common Schools are acknowledged to be the best Elementary Schools in such Cities and States; so much so, that, for instance, the Governor of the State of Massachusetts remarked at a late School Celebration, that if he had the riches of a millionare, he would send all his children through the Common School to the highest institutions in the State. If the wealthy classes can support expensive Private Schools, their influence and exertions would elevate the Common School to an equality with, if not superiority over, any Private School, at less expense to themselves, and to the great benefit of their less affluent neighbours.

The support of the education, which is essential for the good of all, should be made obligatory upon all; and, if all are combined in support of the Common School, it will soon be rendered fit for the English Education of all. If persons do not choose to avail themselves a useful and necessary public institution, that does not release them from the obligations of contributing to its support. It is also worthy of remark, that the Board of Trustees in each City and incorporated Town in Upper Canada, has authority to establish male and female Primary, Secondary and High Schools, adopted to the varied intellectual wants of each City and town; while in each country School Section, it requires the united means of intelligence of the whole population, to establish and support one thoroughly good School.

Second Objection: "It is unjust to tax persons for the support of a School which they do not patronize, and from which they derive no individual benefit."

Answer. If this objection be well founded, it puts an end to a school tax of every kind, and abolishes School and College Endownments of every description; it annihilates all Systems of Public Instruction, and leaves education and schools to individual caprice and inclination This doctrine was tried in the Belgium Netherlands, after the revolt of Belgium from Holland in 1830; and, in the course of five years, educational desolation spread throughout the Kingdom, and the Legislature had to interfere to prevent the population from sinking into semi-barbarism. But the principle of public tax for Schools, has been avowed in every school assessment which has ever been imposed by our Legislature, or by any District Municipal Council; the same principal is acted upon, in the endownment of a Provincial University,—for such an endownment is as much public property as any part of the public annual revenue of the Country. The principle has been avowed and acted upon, by every Republican State of America, as well as by the Province of Canada and the Countries of Europe. The only question is, as to the extent of which the principle should be applied,—whether to raise a part, or the whole, of what is required to support the Public School. On this point, it may be remarked, that, if the principle be applied at all, it should be applied in that way, and to that extent, which will best promote the object contemplated,—namely, the sound education of the people; and experience, as well as the nature of the case, shows, that the free system of supporting schools is the most, and, indeed, the only, effectual means of promoting the universal education of the people.

1. I remark further on this *Second Objection*, that, if the objection be a sound one, then must the institutions of Government itself be abandoned. If a man can say, I am not to be taxed for the support of what I do not patronize, or from which I receive no individual benefit, then will many a man be exempted from contributing to support the administration of justice, for he does not patronize either the civil, or criminal, Courts; nor should he pay a tax for the erection and support of jails, for he seeks no benefit from them. Should it be said, that jails are necessary for the common safety and welfare, I answer, are they more so than Common Schools? Is a jail for the confinement and punishment of Criminals more important to a community, than a School for education in knowledge and virtue? In all good governments, the interests of the majority are the rule of procedure; and in all free governments, the voice of the majority determines what shall be done by the whole population for the common interests, without reference to isolated individual cases of advantage, or disadvantage, of inclination, or disinclination. Does not the Common School involve the common interests; and the Free-School System supposes a tax upon all the majority, for the education of all!

2. I observe again on this *Second Objection*, that what it assumes as fact, is not true. It assumes, that none are benefited by the Common School, but those who patronize it. This is the lowest, narrowest and most selfish view of the subject, and indicates a mind, the most contracted and unenlightened. This view applied to a Provincial University, implies, that no persons are benefited by it, except Graduates; applied to criminal jurisprudence and its requisite Officers and Prisons, it supposes that none are benefited by them except those whose persons are rescued from the assaults of violence, or whose property is restored from the hands of thieves;—applied to Canals, Harbours, Roads, etcetera, this view assumes, that no persons derives any benefit from them, except those who personally navigate, or travel over, them. The fact is, that whatever tends to diminish crime and lessen the expenses of criminal jurisprudence, enhances the value of a whole estate of a Country, or District; and is not this, the tendency of good Common School Education? And who has not witnessed the expenditure of more money in the detection, imprisonment and punishment of a single uneducated criminal, than would be necessary to educate in the common school half a dozen children? "Is it not better to spend money upon the child, than upon the culprit,—to prevent crime rather than to punish it? Again, whatever adds to the security of property of all kinds, increases its value; and does not the proper education of the people do so? Whatever, also, tends to develop the physical resources of a Country, must add to the value of property; and is not this the tendency of the education of the people." Is not education, in fact, the power of the people to make all the resources of their country, tributary to their interests and comforts? * And is not

* Never was this doctrine, (so ably expounded as it was here by Dr. Ryerson fifty years ago,) of the results of practical education, especially trained scientific education,—so universally believed and held, as it is to day. Witness the career of Germany in the matter of industrial education and its results, also of Great Britain and the United States.

this the most obvious and prominent distinguishing feature between an educated and an uneducated people—the power of the former to utilize the resources of a Country, and the powerlessness of the latter, to develope these resources of nature and Providence and make them subservient to human interests and enjoyments ? Can this be done without increasing the value of property ? I verily believe, that, in the sound and universal education of the people, the balance of gain financially is on the side of the wealthier classes. If the poorer classes gain in intellectual power, and in the resources of individual and social happiness, the richer classes gain proportionally, I think more than proportionally, in the enhanced value of their property. As an illustration, take any two neighbourhoods, equal in advantages of situation and natural fertility of soil,—the one inhabited by an ignorant and, therefore, unenterprising, unintelligent, thriftless, if not disorderly, population ; the other peopled with a well educated, and, therefore, enterprising, intelligent and industrious, class of inhabitants. The difference in the value of all real estate in the two neighbourhoods is, ten, if not a hundred, fold greater than the amount of school tax, that has ever been imposed upon it. And yet it is the result of the teaching in the School that makes the difference in the two neighbourhoods ; and the larger the field of experiment the more marked will be the difference. Hence, in these School Countries, where the experiment has been so tested as to become a system, there are no warmer advocates of it than men of the largest property and the greatest intelligence,—the profoundest scholars and the ablest statesmen.

Third Objection. It has also been objected, that " the lands of absentees ought not to be taxed for the support of schools in the vicinity of such lands." I answer that the inhabitants of the School Sections in which such lands are situated are continually adding to the value of those lands by their labours and improvements, and are, therefore, entitled to some return, in the shape of a local school tax, from such absentee landholders.

Fourth Objection. The objection, that the Free-school system is a pauperising system, has been sufficiently answered and exposed in a preceding part of this Address. Such a term is only applicable to the present Rate Bill system, as I have shown ; and the application of it, to the Free School System, is an exhibition of the sheerest ignorance of the subject, or a pitiful manœuvre of selfishness against the education of the working classes of the people. History is unanimous in the assertion, that the first race of New-England Pilgrims were the best educated and most independent class of men, that ever planted the standard of colonization in any new country. Yet, among these men, did the System of Free Schools originate two hundred years ago ; by their free and intelligent decendants has it been perpetuated and extended ; their universal education has triumphed over the comparative barrenness of their soil, and the severity of their climate, and made their States the metropolis of American manufactures and mechanic arts, and the seat of many of the best Colleges and Schools in America. Nor is a page of their educational history disfigured with the narrative of a " ragged school ", or the anomaly of a pauper pupil.

I submit then, the great question of Free Schools, or of universal education, (for I hold the two, to be synonymous in fact,) to the grave consideration of the Canadian public. I think it properly appertains to the inhabitants of each school municipality to decide for themselves on this subject. I desire no further legislative interference, than to give the inhabitants of each school division the power of supporting their own School as they please. Of the result of their inquiries, as to the best mode of supporting their School. I have no doubt ; and in that result, I read the brightest hope and the greatest wealth of future Canada.

NOTE. As the result of this Address, as followed up by other appeals in favour of Free Schools, published in the *Journal of Education for Upper Canada*, and made at various public Meetings, the principle of Free Schools, in a permissive form, was embodied in the School Law of 1850; and, under the provisions of that Act, the question was debated and settled pro, or con, by the rate payers at their annual School Meetings. This state of things continued for Twenty-one years, when, as the great majority of these Meetings had, year by year, declared, by their votes, to be entirely in favour of Free Schools, the law was altered, the principle of Free Schools,—that most satisfactory mode of providing for he maintenanance of the Schools, during the entire School year,—was incorporated in the comprehensive School Act of 1871, and it thus became the fixed law of the land in that year, and has so continued to be the law of the land, up to the present time.

CHAPTER V.

DOCTOR STRACHAN'S HISTORY OF KING'S COLLEGE, FROM 1797 TO 1850.

This rare Document was originally printed in a separate form, chiefly for circulation in England by the promoters of Trinity College. It has no signature attached to it ; but, having been favoured with the loan of a large Volume of manuscripts, entitled: " Original Documents: Church University," I find that this original document is in Bishop Strachan's well-known hand writing, with sundry erasures and additions,—the most important of which I shall reproduce in the copy, as reprinted in this Chapter.

The full title of this paper, as Doctor Strachan wrote it, was :

" A Brief History of King's College in Upper Canada, from its first Germ in 1797, to its suppression in 1850 ".

The final crisis in the chequered history of King's College was caused by its transformation, on the first of January, 1850, under the Baldwin Bill of 1849. By that Bill, King's College University became " The University of Toronto ". This important change led to the publication, in various forms, of a number of Letters, Petitions and other Papers, relating to the University controversy of that time. These Letters and Papers, from their rarity, have now become interesting historical documents.

I have had some difficulty in collecting all of these documents ; but, fortunately, I have been enabled to do so, and now insert them in this Volume, as part of the historical educational literature of more than fifty years ago.

THE HISTORY OF KING'S COLLEGE, FROM 1797 to 1850.

(NOTE. I have compared the printed copy of this " History " with Bishop Strachan's original manuscript copy of it, and have placed in square brackets the words in it which he had crossed out, and have put in italics the words which he had substituted for those to which he had crossed out.)

When the independence of the United States of America was recognized by Great Britain at the peace of 1783, Upper Canada became the asylum of those faithful subjects of the Crown who had, during the Revolutionary war, adhered to their King and the Unity of the Empire.

Anxious to prove her grateful sense of these affectionate services, in a way the most agreeable to their wishes and feelings, the Mother Country conferred upon them by the Constitutional Act of 1791, (31st George III., Chapter 31), a form of government similar to her own ; and, in order that the State might be sanctified by Religion, provision was made, at the express command of the King, for its support, by setting apart for that object a portion,—one seventh—of the waste Lands of the Crown.

It was justly believed that, in a new Colony, like Upper Canada, Lands are, and ought to be, the fund for the foundation and permanent support of all great Public Institutions,—such as the Church Universities, Schools, Hospitals, etcetera, because it can be done in this way, without being burthensome to the people.

But, although provision was thus made by the Constitutional Act of 1791 for the Religious Instruction of the [people] *settlers*, no [provision] *appropriation* was then thought of for Schools

and Seminaries of Learning. It is, nevertheless, pleasing to remark, that, before the division of Canada into two Provinces, even as early as, 1789, little more than five years after the United Empire Loyalists had begun their settlements in Canada, they addressed Lord Dorchester the Governor General, on the subject of Education, setting forth the "lamentable state of their children who were growing up without any instructions, religious, or secular." His Lordship gave immediate attention to this application, and directed that eligible portions of land should be reserved for the support of schools in all the new settlements. *

General Simcoe, the first Governor of Upper Canada, on his arrival in 1792, applied himself vigorously to promote the religious and secular instruction of the people. He not only took measures to render the Church property productive, but urged the Imperial Government to establish a University, to grow with the Country as one of the most effectual instruments of promoting the national religion and attachment to the Parent State.†

In writing to Mr. Henry Dundas, Secretary of State for the Colonies, in November, 1792. His Excellency declares :

"That the best security of a just government must consist in the morality of the people, and that such morality has no true basis but in Religion."

In his letter to the Bishop of Quebec,—30th April, 1795,—he says :

"The people of this Province enjoy the forms, as well as the privileges, of the British Constitution . . . They have the means of governing themselves, provided they shall become sufficiently capable and enlightened to understand their relative situation, and manage their own power to the public interest. . . To this end a liberal education seems indispensably necessary, and the completion of such education requires the establishment of a University to inculcate sound religious principles, pure morals, and refined manners." ‡

General Simcoe, as was very natural, desired that the Clergy qualified to fill the Chairs in the University should, if possible, be Englishmen, because none such were yet to be found in the Colony ; and this to continue untill we could bring them up among ourselves. A few pious and learned men, of rational zeal and primitive manners, would secure the interest and union of Church and State, and constitute a University which might, in due time, acquire such a character as to become the place of education to many persons beyond the extent of the King's Dominions.

Unhappily for the Province, General Simcoe was recalled *to fill a higher station*, before his wise and extensive plans for the prosperous advance of the Province could be carried out ; but his exertions in favour of Education were not altogether lost, for the Legislature in the Spring of 1797, soon after his departure, addressed the King by petition, to appropriate a portion of the waste lands of the Crown for the support of Grammar Schools, and a College, or a University.§

To this Address a most gracious answer was received from His Majesty, King George III, through the Duke of Portland, then Secretary of State for the Colonies, in which His Majesty expresses his readiness to show his patronal regard for the welfare of his subjects in the furtherance of an object so important as the instruction of youth in sound learning and the principles of the Christian Religion.

For this purpose, Mr. President Russell, then Administrator of the Government of Upper Canada was directed to consult the Members of the Executive Council, and the Judges and Law Officers of the Crown in Upper Canada, and to report in what manner, and to what extent, a portion of the Crown Lands might be appropriated and rendered productive towards the formation of a fund for [these important objects] *the establishment* of Free Schools in those Districts in which they were called for, and, "in due course of time, for establishing other Seminaries of a larger and more comprehensive nature," for instructing the youth in "Religious and moral learning," and "the study of the Arts and Sciences."

The Report (of the Law Officers and Judges)‖ advises the establishment of two Grammar Schools, as sufficient, at the time, for the wants of the Province, and to defer that of the University, as not yet [required] *necessary*. It recommends the appropriation of Five Hundred *Thousand* acres of the waste Lands of the Crown—one-half for the Grammar Schools, and the other half for the endowment of the University, when it should be required. But, as Lands in 1798 were only of nominal value, and without ready sale, even at ninepence Halifax currency per acre, or eight pence sterling, it was found unadvisable to take any further [step] *measures*, at that time, because the whole appropriation would not have produced a sum sufficient for the reasonable endowment and building of the two Grammar Schools.

* Further information on this subject is given in a "History of Education in Upper Canada," and printed on pages 153, 154 of the First Volume of this Documentary History. See Doctor Strachan's reference to the subject on page 158, 159 of the same Volume.

† See reference to the Simcoe Letters and Papers on pages 10—14 of the same First Volume.

‡ See page 12 of the same First Volume.

§ This Petition, from the Legislature, as well as the answer to it, (which was of a more comprehensive character than the Petition,) by the Duke of Portland, Colonial Secretary, will be found on pages 16, 17 of the First Volume of this Documentary History.

‖ *Ibid*, pages 20-23.

Although necessarily delayed, the prospect of establishing a University was frequently mentioned and never lost sight of.

In January, 1819, the attention of the Executive Council was again directed to the School Land Reservation made in 1798, and not finding sufficient authority for [making, or confirming it] *its appropriation*, they recommended to His Excellency, Sir Peregrine Maitland, the Governor of the Province, to request of Her Majesty's Government a formal sanction to sell, lease, grant and dispose of the said 500,000 acres of land for the purpose of establishing a University *and Grammar Schools* [in the] *throughout* the Province to be endowed [under a Royal Charter] *with a portion of these lands.* [And, in order to erect the necessary Buildings.] *So soon as such sanction was obtained, they* state that ten Thousand pounds, (£10,000,) would be required to erect the necessary Buildings with an endowment of Four Thousand pounds, (£4,000,) per annum to meet the payment of Salaries and other Expenses.]

In 1806, a Philosophical Apparatus was purchased, by order of the Legislature and consigned to a Clergyman well qualified for the purpose of teaching the youth of the Province the Elements of the higher Mathematics and Mechanical Philosophy, and, in 1807, a Grammar School was established in each and every District, as nurseries for the contemplated University.*† No further steps seem to have been taken for *many years* to carry out these suggestions; but, in 1820, when a law was passed to increase the Representation of the House of Assembly, it was, among other things, provided:

"That whenever the University [was established, it should be represented by one member] *shall be organized, and in operation, as a Seminary of learning in this Province, and in conformity to the rules and regulations of similar Institutions in Great Britain, it shall be represented in the Provincial Parliament by one Member.*"‡

In December, 1825, His Excellency, Sir Peregrine Maitland, addressed Lord Bathurst, Colonial Secretary, on the subject of the University, and of the incalculable importance of its immediate establishment,—

"Education," continues His Excellency, "must have an ascendency to a certain extent in every Country, and, to provide for that education being received, under circumstances that must produce a common attachment to our Constitution, and a common feeling of respect and affection for our ecclesiastical establishment, is an object so evidently desirable that I need not press it upon your Lordship's attention.

"Your Lordship is aware that about Four Hundred and Fifty Thousand acres of Land have been set apart, as a provision for this object; but some of these Lands, though they possess the advantage of being in large blocks, like in tracts at present remote from settlements, and a considerable portion of those is not of the first quality.

"It has occurred to me, that, if Your Lordship saw fit to allow an equal quantity of the best of these lands were exchanged for that portion of the Crown Reserves which remains to the Government as being under lease, the latter could almost immediately be disposed of at an average price not less than ten shillings per acre, and a sum might thus be produced that would admit of the immediate establishment of an University—on a scale that would render it effective."

The proposed exchange was permitted,§ and on the 15th of March, 1827, (a few months after,) a Royal Charter was obtained through the influence of Sir Peregrine Maitland, who, during the whole of his administration, was the strenuous promoter of Education and pure Religion.‖ In [regard] *reference* to these and other particulars regarding the University of King's College the following [Despatch] extracts from Lord Bathurst's *Despatch of 31st March, 1827, to Sir Peregrine Maitland* is too important to be omitted:—

"Sir,—I have the honour to inform you that His Majesty has been pleased to grant a Royal Charter by Letters Patent, under the Great Seal, for establishing at or near the Town of York, in the Province of Upper Canada, one College, with the style and privileges of a University for the Education and instruction of youth in Arts and Faculties, to continue for ever to be called King's College.

"I am further to acquaint you that His Majesty has been pleased to grant one thousand pounds per annum as a fund for erecting the Buildings necessary for the College, to be paid out of the moneys furnished by the Canada Company and to continue during the term of that agreement.¶

"I have to authorize you, on the receipt of this Despatch, to exchange such Crown Reserves as have not been made over to the Canada Company for an equal portion of the lands set apart for the purpose

* For the copy of the Statute authorizing the purchase of this Philosphical Apparatus see page 56 of the First Volume of this Documentary History. See also the Reverend Doctor Scadding's reference to of this Apparatus on page 55 of the same Volume.

† The Act, authorizing the establishment of these Common Schools will be found on pages 60, 61 of the same First Volume.

‡ The Act of providing for this representation is printed on page 174 of the same First Volume.

§ See page 205 of the First Volume of this Documentary History.

‖ *Ibid* pages 222–225.

¶ The payment of this Grant to King's College Council was suspended in 1832 See page 228 of the Second Volume of this Documentary History.

of Education and foundation of a University, as suggested in your Despatch of 19th December, 1825, and more fully detailed in Doctor Strachan's Report of the 10th March, 1826,* and you will proceed to endow King's College with the said Crown Reserves with as little delay as possible."†

The Charter thus obtained was the most open that had ever been granted, or that could have been granted at the time by the British Government, and the endowment conferred upon the University which it created was truly munificent and amply sufficient to carry out the objects which George the Third had in view, when he directed the appropriation of land to be made videlicet:—The instruction of the Youth of the Province in sound learning and Religion. Nor were these objects forgotten by King George the Fourth, for they are embodied in the preamble of the Charter which he granted ;—

"Whereas the establishment of a College within Our Province of Upper Canada, in North America, for the Education of Youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature, which are taught in Our Universities of this Kingdom, would greatly conduce to the welfare of the Province," etcetera.

On receiving the Charter, Sir Peregrine Maitland lost no time in forming the College Council, and securing the Endowment by Patent (in 1828)‡; and, had he not been promoted to a higher Government, King's College would have very soon begun the business of instruction.

In the meantime the enemies of the Church, deeming the conditions of the Charter too favourable to her Spiritual interests, made a clamor that attracted, in 1828, the attention of a Committee of the House of Commons, then sitting on the Civil Government of Canada; and the members of the Church of England in Upper Canada, having been incorrectly stated as very few in number, the Committee in their Report recommended the establishment of two Theological Professors,—one of the Church of England and another of the Church of Scotland ; but that, with respect to the President, Professors and all others connected with the College, no Religious Test whatever should be required, but that the Professors, (with the exception of the Theological Professor,) should sign a declaration that, as far as it was necessary for them to advert in their lectures to Religious subjects, they would distinctly recognize the truth of the Christian Revelation, and abstain altogether from inculcating particular doctrines.§ Nothing came of this recommendation, for the Charter, with the exception of the College Council, was more open than the Committee suggested, and steps to appoint a Theological Professor of the Church of Scotland were afterwards rendered unnecessary, as that Church obtained a Royal Charter establishing a College with Universiity powers, exclusively their own, and which is now in operation‖ But, although no action was had on the recommendation of the Committee of the British House of Commons, it did infinite mischief, as it appeared to imply that a Royal Charter might be altered and remodelled ; and even after that, it became a constant object of annual clamor and attack.¶

After Sir Peregrine Maitland's departure, the University met with much unworthy treatment, and no protection from the Head of the Colonial Government ; and thus eight years were lost in ceaseless opposition to an Institution, which would have conferred upon the youth of the Province that liberal education they desired, and the loss of which can never be retrieved.

Unfortunately, this continued opposition to the University had at length an influence upon the Imperial Government, for, in January, 1832, a Despatch from Lord Goderich, now Lord Ripon, was laid before the College Council, proposing to the Members of the Corporation to surrender their Royal Charter, together with the Endowment, on the assurance from the Secretary of State, that no part of the Endowment should ever be diverted from the education of youth.

In an able Report, the Council stated their reasons for refusing compliance with this extraordinary request, and that they did not think it right to concur in surrendering the Charter of King's College, or its Endowment. The College Council further observed—

"That they did not feel, or profess to feel, a sufficient assurance that ; after they had assented to destroy a College, founded by their Sovereign, under [an] *as* unrestricted and open a Charter as had ever passed the Great Seal of England for a similar purpose, the different Branches of the Legislature would be able to concur in establishing another that would equally secure to the inhabitants of this Colony, through successive generations, the possession of a Seat of Learning in which Religious Knowledge should be dispensed, and in which case should be taken to guard against those occasions of instability, dissension and confusion, the foresight of which had led, in our Parent State, to the making an uniformity of Religion, in each University throughout the Empire, an indispensable feature in its Constitution.

* Printed on pages 211-215 of the First Volume of this Documentary History.

† Pages 225, 226 of the same First Volume of this Documentary History.

‡ See Message of Sir Peregrine Maitland on pages 237, 238 of the same First Volume of this Documentary History. See also page 269 of the Third Volume.

§ In regard to the Report of the Imperial Parliament See Chapter XLVI of the same First Volume.

‖ For Copy of this Charter of Queen's College, Kingston, see pages 84-88 of the Fourth Volume of this Documentary History.

¶ As to the right of a Colonial Legislature to alter and amend a Royal Charter, See discussion on the subject on pages 204-210 of the Third Volume of this Documentary History.

"If the objections entertained by the Council against the surrender of the Charter were not insurmountable, no stronger inducement could be offered than the request which His Lordship's Despatch conveys. For the Council cannot fail to be sensible that such a request can have been dictated only by a supposed necessity for departing from established principles, in order to promote the peace and contentment of the Colony. With the opinions, however, which the Council entertain, and with the opportunity of forming these opinions, which their residence in the Colony affords them, they could never stand excused to themselves, or to others, if they should surrender the Charter, supposing it to be within their power, so long as there is an utter uncertainty as to the measures that would follow,—the moral and Religious state of more than Two Hundred Thousand British subjects is at present involved in the proper disposal of these questions, and before many years will have elapsed more than a million will be effected by them. The Council, therefor, whatever results may be obtained by other means, could not justify to themselves the assuming the responsibility of endangering the existance of the Institution. They feel bound to look beyond the movements and discussions of the passing moment, and could not even, if they concurred in the view of the present expediency, consent to pull down the only foundation which at present exists in Upper Canada for the advancement of youth in Religion and Learning, upon a system which has not yet been repudiated in any part of His Majesty's Dominions."*

It would be tedious and without profit to enter more minutely into the persevering opposition to the establishment of the University during the following five years. It is, however, melancholy to contemplate the Legislature of Upper Canada lending itself to destroy an Institution calculated to cherish affection to the Government and the purest principles of Religion.

Sir Francis Bond Head, on his accession to the Government, guided by that ardent spirit and intuitive perception of whatever is good and noble, which characterized him, saw, at once, the vast advantage of establishing the University; and although he could not, with prudence, prevent the Legislature from making some changes in the Charter, to which the College Council most reluctantly assented as a final settlement, he deserved great praise for discountenancing further innovation.

The Charter having been thus settled by the Act of 1837, 7th William the Fourth, Chapter 16,† which adopted all the alterations of its more reasonable opponents, Sir Francis B. Head readily concurred with the College Council in devising the measures necessary for bringing it into active operation; but just as the preliminary steps were arranged,—contracts for Buildings ready to be signed, and Professors and Teachers about to be appointed,—the political disturbances of 1837 broke out, and, for a time, suspended this, and many other, excellent measures projected by that able and independent Ruler.

After the suppression of the Rebellion, Sir Francis B. Head resigned the Government, and, during the two following administrations, no proceedings were had respecting the University of King's College worthy of notice, or commendation.

When Sir Charles Bagot assumed the Government in 1842, King's College engaged his special attention. Being himself a scholar and University man, he saw the vast importance of such a Seminary in a rising Country, and he set his heart upon its immediate establishment.

In accordance with his ardent desire on this subject, the first distinguished act of his administration was to come to Toronto, and lay the Foundation-stone of the contemplated Building, on the 23rd of April, 1842.‡

This was done in the most solemn manner, with prayer and praise, for it has been the practice of Christians in all ages, when undertaking any work of importance, to seek for Divine light and assistance.

Although Sir Charles Bagot was not spared to witness the opening of King's College, which did not take place till the 8th June, 1843,§ yet, during his lamented illness, he never ceased to take the warmest interest in its welfare, and his memory, in connection with King's College, will ever be kindly remembered.

From the day of its opening to that of its suppression, King's College, notwithstanding the political bearing which the injudicious alterations in its Charter had greatly increased, proceeded vigorously in its academical career and was obtaining, through its scholars, who belonged to all Denominations, an influence which was rapidly increasing throughout the Province. Parents felt a confidence in its Religious character, and, as none, but students belonging to the Church of England, were expected to attend the Chapel morning and evening, sober-minded Dissenters were not offended. On the contrary, the knowledge that prayer was offered up twice every day pleased them, because it gave a solemn tone to the labours of the day and sanctified the Institution.

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*This refusal of the King's College Council to surrender the Charter of the King's College University will be found, *in extenso*, on pages 32-37 of the Third Volume of this Documentary History.

† This Act is printed on pages 88, 89 of the same Third Volume.

‡ See an account of this Ceremony on pages 202-209 of the Fourth Volume of this History.

§ Full particulars of the opening of King's College are given on pages 277-292 of the same Fourth Volume of this History.

The students rapidly increased, and the strict impartiality of treatment was universally acknowleged. But, instead of conciliating its enemies, these proofs of prosperity and fair dealing increased their animosity. They became alarmed that King's College, if left unmolested for a few years, would gain a popularity among all the truly religious in the Province, and place itself in a position of safety which they could not disturb. Hence they allowed it no peace. Session after Session of the Legislature, it was assailed, and, after defeating three [four] successive Measures—(that of 1843, and those of, 1845, 1846 and 1847)—for its destruction, its friends became weary, and the fourth attempt in 1849, has, unfortunately, proved successful.

King's College was opened for instruction in June, 1843, and, in the following November, Mr. Attorney-General Baldwin introduced a Bill, by the provisions of which it would have been destroyed, and an University established in its room, altogether political in its bearing, cumbersome and unwieldy in its enactments, and from which Religion was totally excluded. But, on examination, it was found so clumsy and impracticable in its details, and some of them so puerile and silly, that the Bill, before it was half discussed, became a subject of general merriment and ridicule, and its Author was glad to permit it to sink into oblivion.* It is not, therefore, necessary to enter into [its details] *the particulars* of the Measure of which its promoters are ashamed . . .

The Political party favourable to this Measure lost the management of public affairs, and their opponents, who professed to be Conservatives, became the administrators of the Government.

It was now hoped that King's College would be left in peace, and be allowed to win its way, as it was rapidly doing, in the affections of the people.

But, instead of permitting it to proceed in its onward course, the new Draper Ministry, as they were called, yielded to the clamor of a most insignificant faction, and introduced a Measure, in 1845, respecting the Institution, little, better than that of their opponents. For its revolutionary character and demerits it is sufficient to refer to the Memorial of the Visitors of the College, being also the Judges of the Supreme Court.†

It might have been hoped, that, as each of the two parties had attempted to remodel King's College, and had signally failed, it would have been left in future unmolested. But this was not to be. The Conservatives made other attempts in 1846 and 1847, which, though in some respects better. because there are degrees of evil, was nevertheless, liable to the most serious objections ; but the last one of them, having been introduced late in the Session, it was allowed to drop, and soon after its authors were driven from power, and the Reformers again held the reins of Government.

This party, not discouraged by their former failure, introduced the Measure in 1849, suppressing King's College, of which, as it became law on the first of January, 1850, we now complain. It is by the same hand as the Bill of 1843, though not quite so unwieldy, being reduced from 102 to 82 Sections. It is, nevertheless, equally blighting in its provisions, and hostile to Religion, as will be seen from the Petitions presented against it‡ and remarks on its principal provisions

In the Preamble of the University Act of 1849, it is said, that a College is sought to be established for the advancement of learning, and " upon principles calculated to conciliate the confidence and insure the support of all classes and denominations of Her Majesty's subjects," and which, " under the blessing of Divine Providence ", would " encourage the pursuit of Literature, Science and Art, and thereby tend to promote the best interests,—Religious, Moral and Intellectual, of the people at large."

Now it must be admitted, that these are, in themselves, noble and important objects. But, upon what principles does the Statute promise their attainment ? Could its Framer believe that confidence was to be conciliated,—the support of the people insured, and the blessing of Divine Providence obtained, and the best interests, Religious, Moral, and Intellectual promoted by a College, whose constitution ordains, in its Twenty-ninth Section, and repeated again in the Sixty-fourth : " That no Religious test, or qualification, whatsoever, shall be required of, or " appointed for, any person admitted or matriculated, etcetera ". Nor shall Religious " Observances, according to the forms of any Religious Denominations, be imposed upon the " Members, or Officers, of the said University, or any of them." To speak of the interests of Religion being promoted by an Institution from which every reference to it is, by law, excluded, is an unworthy mockery.

But, on this point, the people have already spoken. The four great Denominations of Christians, embracing almost two-thirds of the population, have resolved to have no connection with such an Institution ; how far their example will be followed by the smaller Religious Denominations has not yet been ascertained.

* This Bill, *in extenso*, is printed on pages 61-87 of the Fifth Volume of this Documentary History.

† This Memorial is printed on pages 169, 170 of the same Fifth Volume of this History.

‡ Copies of these Petitions are printed on pages 123-129 ; a Petition in its favour, from the Council of King's College, is given on pages 129-132.

By the last Census, [of 1848 ?] the population of Upper Canada was found to be ..		721,000
The Church of England, (which cannot connect itself with the proprosed College) gives	171,751	
The Church of Rome, also	123,707	
The Wesleyan Methodists, also	90,363	
The Kirk of Scotland, also	67,900	
Those who will not profit by the University of Toronto		453,721
Leaving to profit by this Measure		267,279

But, even this, will in all probability, be found too much in favour of the Institution, for the Scottish Free Church and Congregationalists disapprove of the principle of excluding Religion from education, in which case they will soon have Colleges of their own.

Scottish Free Church in Upper Canada	64,729	
Congregationalists in Upper Canada	20,372	
To be further deducted		85,101
Leaving to profit by the new College at Toronto		182,178

But, even from this, must be deducted many of the smaller Religious Denominations, who disregard Universities and such knowledge as they impart. Hence the Statute establishing the University of Toronto and destroying King's College, legislates for one-fourth of the population ; and, as one-half of these will not use the privileges of the College, the feelings and interests of the great majority of the inhabitants of Upper Canada are sacrificed to a small and clamorous fraction.

The Preamble next quotes a Despatch of Lord Goderich, dated 8th November, 1832, as the foundation of the Statute, and which contains, it alleges, an invitation from His late Majesty King William the Fourth, to consider in what manner "the said University could be best constituted for the general advantage of the whole society."*

Now, the Despatch, thus referred to, was not written for the purpose of calling the attention of the Colonial Legislature to King's College, or to legislate thereon, but is an elaborate document on a very different subject, being an answer to William Lyon Mackenzie's huge Volume of "Grievances".† This Volume consists of Fifty-six wearisome paragraphs, and touches incidentally on the University of King's College, which, in three different places, constituted one of the "Grievances".

Mr. Mackenzie complained that the Provincial law of 1820 conferred on the University, when established, the power of sending one Representative to the Legislature, and inferred that it would become a nomination borough, under the special patronage of Church and State.‡

To this complaint Lord Goderich replies :

"I should scarcely have anticipated that any man, and least of all a man devoted to literary pursuits should have denied the propriety of giving a Representative to the principal seat of learning in the Province. It would be superfluous to expatiate on the importance of institutions for the Education of youth in literature, science, and Religion, especially in a newly settled country, and I am well assured, that neither in the Council nor Assembly, could a single gentleman be found who would not gladly receive as a colleague a person representing the collective body of literary and scientific men in Upper Canada, and who would not gladly support, by that distinguished honour, the cause of sound learning."

In the following paragraph Lord Goderich adds :

"I do not here refer to an University constituted in the manner proposed by the original Charter of Incorporation (of 1827); so far from any anxiety having been felt by the King's Government to maintain that Charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their Representatives the decision of the question, in what form, and on what principle, the College should be founded." §

After answering other complaints through twelve laborious paragraphs, the subject of general education comes up, on which Lord Goderich observes :

"That there is not one thing connected with every part of his extensive Dominions which His Majesty has more at heart than the general diffusion of sound knowledge, in the legitimate and more enlarged sense of the term. This is not merely the first and highest interest of society, but it is essential to the right use and peaceable enjoyment of every other civil and social privilege. The Legislature of Upper Canada have already been invited to consider in what manner the University

*A copy of the Despatch will be found on pages 112, 113, of the Second Volume of this Documentary History.

†In regard to this notable "Grievance" Report, See Chapter X, page 187, of the same Second Volume.

‡In regard to this matter of the representation of the University in the Legislature, see pages 138, 141, 153, 169 and 174 of the First Volume of this History.

§ See pages 112, 113, 116 and 188 of the Second Volume of this History.

can be best constituted for the general advantage of the whole society ; and His Majesty has studiously abstained from the exercise of his undoubted prerogative of founding and endowing literary, or Religious, corporations until he should obtain the advice of the Representatives of the people for his guidance in that respect."

These are all the passages in this extraordinary Despatch which touch upon King's College, and they arise incidentally from Lord Goderich's anxiety to answer the voluminous complaints of Mr. Mackenzie, which were recklessly made against every institution and man of character in the Province.

The Despatch, and the only one containing the invitation alluded to, is dated the 2nd of November, 1831,* but as it strongly recommends :

" The permanent establishment in the College, on a secure footing, of a Professor of Divinity of the Church of England."

The promoter of the Act could not, with any decency, in the face of such Royal recommendation, enact, as he has done in the Twelfth Section :

" That there shall be no Faculty of Divinity in the said University, nor shall there be any Professorship, Lectureship, or Teachership, of Divinity in the same."

He has, therefore, recourse to the unworthy expedient of quoting a different Despatch which only refers incidently to King's College.

Another reason, equally disingenuous, for using the wrong Despatch is, that the invitation contained in Lord Goderich's Despatch of the 2nd of November, 1831, was already fully satisfied by the Provincial Legislature in 1837.

In that year, the Statute of 1837, (7th William the Fourth, Chapter 16),† was passed amending the Charter of King's College, in which all the reasonable objections made against it, up to that period, were fairly met, and, in which, the majority never would have concurred had they not believed that it was a final settlement of the question. Since then no fresh invitation has been addressed by the Crown to the Government of the Colony, to interfere, a second time, with the Charter of King's College.

So much for the truth and correction of the preamble of the University Act, of 1849 (12th Victoria, Chapter 82,) by which King's College is destroyed.‡

Having thus deprived King's College of its Charter, Religious Character, and [Endowment] *name*, the Statute proceeds, in the Thirty-second Section, to confiscate its Endowment, and to vest it in the new Corporation ; and this, in defiance of the faith of the Crown expressed in the words of three different Kings, and, with as much coolness, as if there had been no such pledges, no vested rights, no corporation, no moral turpitude in a proceeding, which strikes at the security of all property in the Colony. But it is quite superfluous to extend these remarks to the many clauses of the Statute of 1849, (12 Victoria, Chapter 82). We have elsewhere observed that the leading features of the Measure may be reduced to three :

1st. Contempt for the wishes of the people, for almost two-thirds are [totally] *virtually* excluded.

2nd. Bitter hostility to Religion, *and especially to the Church of England*, for no man dare legally repeat the Lord's Prayer within the Halls of the University of Toronto.

3rd. Disrespect to the expressed wishes or three Sovereigns, *and* hence to everything tending to the stability of the Crown. Only two points worthy of notice remain. The Statute evinces a suspicious jealousy of all Ministers, Ecclesiastics, and Teachers of Religion, and even prohibits the Crown from selecting them to be Members of the Senate, so that in a short time not one Clergyman will belong to the Institution except it be one Teacher, or Minister, from each of such Incorporated Collegiate Institutions. or Universities, in Upper Canada as shall, [as provided in] *according to the requirements of* the Forty-third Section, surrender the power of confirming Degrees in Arts. Now, such surrender of powers conferred by Royal Authority is not probable, because the Colleges, even if inclined *to do so, upon what might be considered equitable* terms [can receive nothing] *are offered nothing* by the Statute *in return* [but degradation] *but loss of dignity*. The connection, or incorporation, merely consists in the admissions of one Representative from each of the Theological Colleges, to a seat in the Senate. Now, this Body is to consist of Twenty-two, or Twenty-three, Members, and what influence could one solitary [Member] *Representative* posess for the benefit of his [respective College] *own Institution* ? Is it not evident that the affiliated Colleges [would be entirely *thus* thrown in the shade by the colossal University of Toronto without Religion, or Moral training *would become helpless and unable* to extend their discipline to their own youths of early age, or possess the means of enforcing *it* [the Rules and regulations] ? And were they to attempt to overcome this difficulty, by employing a greater number of Professors to take charge of [the younger] *their own* students, they would still fail, and the customs and Regulations of the secular and [Godless] *larger* Institution, [prevail], *as having the greater number of students, would certainly prevail.* Instead, then, of incurring an expense, by which they would secure no equivalent, how much more easy and beneficial to add to Queen's and Victoria Colleges, two, or three, Professors in Arts [or

* Printed on pages 55, 56 of the Second Volume of this Documentary History.

† Given on pages 89, 89 of the Third Volume of this History.

‡ This Act is printed on pages 147-166 of the Eighth Volume of this History.

thus giving] *to enable them to give* their respective Youths a complete education, scientific and Religious? To acquire *the* pure [Religious] *knowledge and practice of Religion, it* must enter into all their actions, and cannot be separated from *their* daily life, because the chief end of our being is to prepare for [eternity] *the world to come.* The very presence of these various Theological Colleges [will] *would* have a most [contradictory] *injurious* effect [on the College]. *Because the* University of Toronto, which proscribes Religion, and treats all its forms as matters of indifference [cannot] *will have no disposition* to enforce upon these Pupils, who belong not to these affiliated Colleges, any reverence for Holy things.—Hence, from the very first, we shall have a corps of Infidels growing up and, like all the wicked, eager to [extend their views] *make proselytes,* by stirring up strife [between] *among* the youth attached to the different Colleges, and holding up the Colleges themselves as a proof that there is no difference, as to the comparative goodness, between them; that the opposite opinions which they hold [proves] *shew* that *truth and* falsehood are the same; that, even the "faith once delivered to the saints" is of no value; that the most pernicious heresy ever broached is harmless; and that every man has a right to interpret the Scripture as he pleases!

[Inded the very] *Such a* collection of [a number of] Theological Colleges [together] would become, of itself, a sort of standing protest against the Gospel truth [of Christianity] and by one of the most successful methods ever imagined of holding it up to the contempt and ridicule of [wicked] *flagitious* men. But, if, we take the matter still more closely we shall find, that the discipline and order of the affiliated Colleges could never be made to harmonize with those of the University of Toronto, and more especially, with that belonging to the Church of England.

As a Theological College, its inmates must religiously observe all the fasts and festivals of the Church, the solemnity of Lent, the regular daily services of Passion-Week and Whitsun-Week, with all of which the University would fail to sympathize, or provide for, by any change of discipline, or attendance. So that, through the whole year, violence would be done, even by the common proceedings of the University, to our Religious feelings, and our most [solemn acts] *august forms* of worship. It should also be remembered that such affiliated Colleges are not essential parts of the University, but merely accidental appendages, without which, destitute as they are of all power and authority the University can proceed as well without, as with, them. Again, the Degrees in Divinity would seem without value, inasmuch as they would be conferred by a petty College of two or three persons, and be felt to be insignificant when compared to the Degrees in Arts [conferred with pomp and circumstance] *conferred by the University itself.* Besides, every Sect may have its College, or apology for a College, and thus, a public sanction be given to all opinions, however mischievous and contradictory, and we should have Socinian, Mormonite and Swedenborgean Doctors in Divinity,—a result which would bring all such Degrees into utter contempt. In fine, the very fact [of any Sect, or Denomination,] *of the Church* affiliating its College with such a University would indicate a tacit consent to its irreligious principles; hence nothing is left to the honest and sincere of all Christian Denominations but to fly from the unclean thing.

How is it in the great Public Schools in England, such as Eton, Harrow, Winchester and Rugby?—all of which are [in every important point] identical, as regards habits of life, studies and intellectual characteristics, and still more especially as to personal decorum, Christian Morality, and the pious observances enjoined by the Holy Scriptures? Look at the stirring sermons of the late Doctor Arnold, of Rugby, and, more recently, those of Doctor Moberly, the present Head Master of Winchester School, and of Doctor Vaughan, of Harrow, and reflect on the labour and anxiety of these eminent men, not [merely to make] *only to advance* their pupils in scholastic attainments, but, above all, to make them feel, from their first entrance into life, that they are born for eternity. From this moral training they proceed to the University, where they are placed under the same Religious supervision and instruction, untill they take their Degrees and commence their different professions. Now, if we reflect that the world, its dangers, its seductions, its menaces and troubles must be known and met, and conquered, is it not of the utmost consequence that our youth should be prepared for this fiery trial, by a training in heavenward lessons of Faith Diligence, and Obedience, and, thus awakening the soul, by an habitual sense of God's authority and consciousness of His presence, to hopes which are never to be satisfied but in the fruition of the life to come?

Instead of this, the University of Toronto offers us that spurious counterfeit which has sought, in every age, to usurp the name of Education, while flatly opposed to its true object. It is secular education; a training for this world alone, without caring for the next. It is made up of half-truths, perverted into, falsehood; of earthly facts divorced from moral truth and Religious obedience; and of a pandering to corrupt appetite for unseasonable knowledge.

"By these characters was it marked when it began in Paradise, and these serpent features it retains. 'Your eyes shall be opened.' There was partial truth in the words; but the truth served only to gild the delusion, and to do the work of falsehood. 'Ye shall be as gods, knowing good and evil.' Here was intellectual progress set at variance with the will and command of God. And what were the natural effects? misery and death. Such was secular education at its birth, and such, in its main features, does still continue. May we never accept these 'Apples of Sodom' in exchange for the living truth of God's Holy Word!"*

CHAPTER VI.

DOCTOR STRACHAN'S "CHURCH UNIVERSITY" CORRESPONDENCE.

The fundamental change which was made by the Baldwin University Act of 1849, in the management of King's College, led to an active movement among its friends and adherents to establish an exclusively Church of England University, in its place. This movement was of a two-fold character, both of which were under the immediate direction of Doctor Strachan,—the first Church of England Bishop of Toronto.

The principal and preliminary effort put forth was the prosecution of an active canvass in Upper Canada for Funds wherewith to erect and maintain a Church of England College and University; the other movement was in the form of an appeal to the adherents of the Church of England in the Mother Country, to be made there, should the success of the canvass for funds in Canada warrant the making of such an appeal in England.

In order that this fact should be the more strongly impressed upon the minds of those who were friendly to the proposed Church University, the following statement of that fact was printed, (as a heading,) on all of the subscription lists which were circulated in 1850 among members of the Church of England, chiefly in the Bishop's own Diocese, which then included the whole of Upper Canada:—

"The Churchmen of the Diocese of Toronto must bear in mind, that we cannot, with any reasonable hope, make a successful Appeal to our Brethren in the Mother Country for assistance in establishing an University worthy of the pure Church, to which we belong, until, we can prove, by our own exertions, that we are in earnest.

"Besides, therefore, signing the Petition to the Queen, and to the two Houses of [the British] Parliament, it is hoped that the Members of the Church will subscribe liberally in Money and in gifts of Land, as God has prospered them.

"It is a glorious work, which ought not to be delayed; and a better investment for Time and Eternity it is impossible to conceive."†

With a view to bring the whole question fully before the Members of the Church of England in his Diocese, the Bishop issued an elaborate Pastoral on the subject, dated the Seventh of February, 1850. It is not necessary for me to insert more of this Pastoral than those parts of it which deal directly with the educational side of the controversy, in which the Bishop was then engaged, so far as it affected this Province.

As soon as Doctor Strachan had assured himself of the active coöperation and financial support of the Members of his Church, to whom he had appealed for such coöperation and support, he left Canada for England in April, 1850, with the double purpose of, enlisting the practical sympathy of Members of the Church of England in that Country, and, as a consequence, of receiving liberal financial aid

* Church of England Quarterly Review for July, 1840.

† Copied from the Book of "Original Documents—Church University", as it appears there, in the hand-writing of Bishop Strachan.

from them in his efforts to found a purely Church of England University in Upper Canada. His other purpose was to induce the Imperial Government to grant him a Royal Charter for the proposed University.

In seeking to accomplish the first object of his visit to England, he drew up a full statement of the case from his standpoint, for the information of Members of the Church of England there, and, by letters and personal interviews and addresses, to endeavour to succeed in enlisting the warm sympathy of Members of the National Church in favour of his scheme. As a practical proof of this sympathy, which he called forth, they furnished him with funds wherewith to give effect to his scheme, to the amount of Ten Thousand pounds (£10,000) sterling.

To accomplish the second object of Doctor Strachan's visit to England, in 1850, was a much more difficult task,—that of securing a Royal Charter for his proposed Church of England University in Upper Canada. The Imperial Authorities declined to grant the Charter asked for, without first receiving the formal assent of the Government of Upper Canada to their doing so. The consequence was, that an extended correspondence took place in England between Doctor Strachan and the Colonial Secretary, (Earl Grey). A Motion was agreed to in the Upper Canada House of Assembly that this Correspondence be laid before the House by the Governor General, Lord Elgin, and also the Correspondence between him and the Bishop. This was done.

With a view to give a completeness to the narrative of this somewhat protracted controversy, I insert copies of the Correspondence which took place with the Governor General and the Imperial Government, in its proper place in this Chapter.

In order also to give historical sequence to the narrative of the case, as stated by Doctor Strachan, in his voluminous Correspondence, I shall insert such portions, as may be necessary, of his Statements and Letters in chronological order,—begining first with the Pastoral, which he issued on the Seventh of February, 1850,—a few days over a month after the extinction by Act of Parliament of King's College, as a Church of England University, took place.

In the whole of this Correspondence, it is a notable circumstance, that Doctor Strachan entirely ignored the historical fact, that King's College was established as a Provincial Institution, endowed solely with Provincial Lands, and that the Church of England, to the care of which it was entrusted, never contributed a single dollar for its maintenance; although, through Doctor Strachan, it claimed proprietory ownership of King's College and its Endowment.

DOCTOR STRACHAN'S "CHURCH UNIVERSITY" CORRESPONDENCE, PART I.

Pastoral Letter to the Clergy and Laity of the Diocese of Toronto.

On the sixth day of January, 1850, the destruction of King's College, as a Christian Institution, was accomplished. For, on that day, the Act establishing the "University of Toronto," by which it was suppressed, came into force.

There was, to the last, some lingering hope that a Measure so pernicious would have been arrested.

It was known that inquiries had been made concerning it by Statesmen of high consideration, and that it had not been formally sanctioned by the Imperial Government late in October. But no effectual impediment has yet intervened ; and, for a time, at least, the experiment of a University from which the Worship of God is excluded, is to be tried in Upper Canada,—I say for a time, because it is scarcely credible that such an Institution can be long suffered to exist in a Christian Country, or if, unhappily, suffered, that it can prosper.

Deprived of her University, what is the Church [of England in Upper Canada] to do ? She has now no Seminary, at which to give a liberal education to her youth. What is enjoyed by all the other large Denominations in the Province is denied to her.

Is she to sit down contented with her Theological School at Cobourg.* and leave her children to perish for lack of spiritual knowledge ? Or is she to extend its provisions, and form it into a University, capable of imparting a full course of liberal instruction, carefully founded on a Religious basis, as has been the case in all Seminaries of Learning among Christian Nations since the ascension of our Lord ? Happily the solution of this question offers no difficulty. It is the bounden duty of the Church, and of every one of her baptized children, as they value the gifts conferred upon them in that holy sacrament, to come forward at this crisis, in the name of God their Saviour, to stay the plague which this, as it has done other lands, with darkness and guilt, and to honour His Holy Name. Here the faithful Christian cannot " halt between two opinions ; "the whole revelation of God tells him that Religion ought to form the sum and substance of education, and that, whatever other branches of knowledge may be introduced, they must be made subservient to the one thing needful and sanctified by its purifying influence. . . .†

It is surely the duty, as well as the privilege, of every Churchman in the Diocese [of Toronto] to assist, as far as he is able, in supplying the want which the Church [of England here] now feels in the destruction of her University, and which, if not supplied, will in a short time arrest the happy progress she is making through all parts of the Country. Let not, then, the friends and Members of that Church look for rest till proper means are found for the Religious Education of her children. We have fallen, indeed, on evil times, and the storm has overtaken us, aggravated by the painful reflection that we have contributed largely, by our want of unity and consistency to bring it on ourselves ; but we must not be discouraged,—for, though the waters threaten to overwhelm us, we are still the children of hope. Never, perhaps, in the history of our Church, did a single case more completely prove the influence of party spirit in corrupting the heart, and warping and entangling the judgment, till it had acquired a moral obliquity, incapable of distinguishing right from wrong, truth from falsehood, than the destruction of King's College. It was succeeding with a degree of success far beyond the most sanguine expectations. In the short time of its existence, the Degrees conferred were seventy-five,—the number of students, including occasional ones, nearly three hundred. The Highest honours have been attained by Presbyterians, Congregationalists and others, as well as by Members of the Church [of England]. There were not twenty persons capable of appreciating the blessings which it was conferring on the Province who were not friendly to its continuance.—a vast majority of the population were, and are, hostile to the principle of separating Religion from Education ; and yet, because a small but turbulent minority declared against it, a weak Ministry has been found to decree its suppression, and the establishment of an Institution in which no Christian can confide.

This Measure is so wicked and inconsistent that sooner, or later, a serious reaction will take place. Its three leading features—Contempt for the People, Enmity to Religion, and Disloyality to their Sovereign,—are each of them offensive to large and influential parties. The sentiments of the people are set at nought, to gratify the few, who neither value, or regard, Schools of Learning. Religion is suppressed, and ecclesiastics proscribed, to please the enemies of property and order. And the very name of " King's College " is abolished, for fear that some attachment to the Sovereign might, in the generous minds of youth, be associated with a Royal foundation. . . .

What makes the act of unscrupulous injustice the harder to be borne is the conviction, which I think we must all feel, that, if any one of the Religious Denominations in this Province, dissenting from the Church of England, had recieved from their Sovereign a Royal Charter, founding an University in connexion with their faith, and had recieved, at the same time, the free gift of an Endowment for its support, any attempt by the Colonial Legislature to abrogate their Charter, and to wrest from them the Endowment conferred by their Sovereign, would have been promptly discountenanced by the Executive Government, and firmly resisted, as being unreasonable and unjust. If any had been found to make such an attempt, (which

* The Diocesan Theological College at Cobourg was opened for the admission of " Candidates for Holy Orders " in January, 1842. It was finally merged into Trinity College in 1851.

† I have, as already intimated, omitted large portions of this Pastoral as irrelevant to the object and purpose of this purely educational History. I would have also omitted other portions of the Pastoral of a personal and censorious character ; but I have, for many reasons, hesitated to do so ; as I preferred to let the Bishop express himself as he really felt.

assuredly the Church of England would not have done), they would have been told at once, that, whatever opinions they might have formed of the policy, or impolicy, of the Measure, the Grant could not but be respected, and the faith of the Sovereign maintained. And I am sure, that neither you, or I, would have regretted to see those principles upheld, by which alone either nations, or individuals, can expect long to flourish. We should have remarked, too, in such a case as I have supposed, another mortifying difference : the Members of any other Religious Denomination, whose rights had been unjustly attached, as ours were, would not have sought a vain popularity by abandoning them ; they would have been found united as one man in their defence.

But alas ! the Church [of England here] found the chief enemies of King's College among her own professing adherents ; and, under the delusion of liberalism and expediency, the twin sisters of infidelity, they betrayed the cause which they were bound by every sacred duty and right feeling to protect. . . .

In the meantime, I propose that the Church of [England in] this Diocese, consisting of the Clergy and Laity, should approach our beloved Sovereign the Queen,* and the Imperial Parliament, by respectful Petitions for such redress in the restoration of her University ,or, in such other way, to supply the same, as may be deemed reasonable and meet.

Should we fail in obtaining the favourable admission and acquittance of our just claims, we must, in that case, appeal to our fellow Churchmen in Great Britain and Ireland ; and we believe that there are many pious individuals who will come forword with a liberality, of which the last three centuries have given so many examples, to assist us in restoring the means of which we have been deprived, for the Religious Instruction of our youth, and their advancement in all those branches of Science and Literature, which enter into a liberal education. Nor am I without strong hope, that, should there be obstacles to the disallowance of the Act of our Legislature we shall, nevertheless, find among the contributors to our Church University some of the present Ministry. . . .

Indeed, no Statute passed since the Union of the Provinces in 1840 has lowered the character of the Canadian Legislature so much as that which destroys King's College. Churchman consider it disgraceful to the Country, and the indifferent pronounce it a political blunder. . . .

Doctor Strachan's Scheme of "Ways and Means" for a "Church University."

But, before we can expect success in these proceedings, it is reasonable to prove that we are ourselves in earnest by our own exertions. Besides, therefore, signing the Petitions to the Queen and the two Houses of Parliament, it is hoped that the Members of the Church [of England here] will subscribe liberally, in Money and Gifts of Land, as God has prospered them ; and a better investment for time and eternity it is impossible to conceive. In this way, a sufficient Endowment may, without any great difficulty, be effected ; or, at all events, so good a commencement as to encourage friendly Church Members at Home to increase their subscriptions.

It is true that this could have been done with much greater facility a few years ago, when Lands in the Colony were cheap ; but who could have anticipated such a result as the destruction of a Royal Charter, and confiscation of its Endowment, without any just, or legal, cause ? or who could have imagined it necessary, or becoming, to stand between the bounty of the Sovereign and her people ? But even yet, a sufficient Endowment in Land may, with active exertion, be secured. There are, it is believed, about four hundred organized Townships in the Diocese of Toronto ; and were only one Lot of two hundred acres to be contributed, as an average, in each Township, it would form an Endowment of Eighty Thousand acres ; and this, by good management, with private contributions in money, and the assistance of the two Venerable Societies in England, would become sufficient to enable us, in a very short time, to begin operations, and gradually, as the property leased, to extend the University, as has been done in like cases in Europe and America.

Or, taking it otherwise : There are, I presume, about two hundred thousand adherents of the Church [of England] in Upper Canada, or forty thousand families. Now, were each family to contribute Two pounds, or two acres of good Land, a very handsome Endowment would be the result But, as there may be many poor, and some, to whom God has not given generosity of heart, let us take one-fourth, or only ten thousand families, and claim from each, for the love of God, Six pounds in money, or Ten acres of good Land, as may be more convenient, and the University will be established. The difficulty, therefore, in the way of endowing a Church University, is not so great as those who have not considered the subject may suppose ; and although, we may not obtain the subscriptions in Land, or in money, of ten, or even of five thousand, at once, yet we shall, with God's Blessing, obtain more in time ; and, as the Institution we contemplate is not for a short period, but for centuries, we can afford time, and be con-

* A copy of this Petition to the Queen is printed on pages 103, 104. See also pages 105, 106.

tent to advance to maturity by degrees. But why should we not hope that the Church [of England here,] among her two hundred thousand, will produce one thousand noble souls, ready to come forward with, at least one hundred acres each, and, in a moment, complete the Endowment?

In regard to a solid commencement, we are not left to conjecture. The spirit of our Church has already begun to move. Eight Thousand pounds (£8,000) will be secured to the University before this meets the public eye; and, I have some reason to believe, that an equal amount is already set apart in England. Moreover, we shall have £1,200 per annum from the Venerable "Society for Propagating the Gospel in Foreign Parts," till it can be relieved by the proceeds of our own Endowment, and we shall have our Theological Library restored. . .

The Church [of England here] ought to do nothing by halves. Her University must comprise an entire system of education, based on Religion. Every branch of knowledge cherished at Oxford and Cambridge must be carefully and substantially taught. She must also have her Eton, or Grammar School, to supply her with scholars; the whole to be placed under the guidance of the Church itself, so that her Religious instruction may have no uncertain sound. We desire a University, which, fed by the heavenly stream of pure Religion, may communicate fuel to the lamp of genius, and enable it to burn with a brighter and purer flame. . .

Nor are we disposed to overlook Academical Honours, which have been ever held in the highest estimation. They emanated originally from the Church, and to the Church the power of conferring them, of right, belongs. Hence, that power was transferred at the Reformation to the Sovereign, because the Sovereign was the Temporal Head of the Church, and the Fountain of Honour within her Dominions. In due time, therefore, we shall solicit a Royal Charter, that our Degrees may be acknowledged in all parts of the world, and not be like those which the new Institution may attempt to confer, which will not only be corrupted by passing through an irreligious channel, but be otherwise worthless, being confined to the Colony; for the University Act of 1849, (12th Victoria, chapter 82,) is merely a Provincial Statute, and carries no weight, nor authority beyond the Province.

The Bishop, or Bishops, of the Diocese, (for it will soon be divided,) will be the Visitors, that each new Diocese may have an equal interest in the Institution; for established on the extensive foundation which we contemplate, it will be amply sufficient for the whole of Upper Canada . . . That nothing may be wanting on my part, it is my intention to proceed to England, (should the encouragement I receive in Upper Canada be such as I have reason to expect) and urge the prayer of our Petitions to the Queen and to both Houses of Parliament. When the facts of the case are fully made known, the whole Nation will feel the same indignation at so flagrant an outrage on our Holy Religion, and the honour and dignity of the Crown, as those private friends do with whom I am already in communication on the subject; and the consequence, I trust, will be, that the good and pious will hasten to help us. For, in England, the belief is all but universal, that Religion ought to be the ground-work of Education; that its lessons should be interwoven with the whole tissue of instruction; and that its principles should direct the whole system of our lives. Nor will the lessons of Religion be found less impressive, by being interspersed with teaching of a different kind. The prayer of our fore-fathers always was, and the prayer of our Universities still is, "that their learning might be sound, and their education Religious."

I shall have completed my seventy-second year before I can reach London, of which more than fifty years have been spent in Upper Canada; and one of my chief objects, during all that time, was to bring King's College into active operation; and now, after more than six years of increasing prosperity, to see it destroyed by stolid ignorance and presumption, and the voice of prayer and praise banished from its halls, is a calamity not easy to bear.

I shall not rest satisfied till I have laboured to the utmost to restore the College under a holier and more perfect form. The result is with a higher power, and I may still be doomed to disappointment; but it is God's work, and I feel confident that it will be restored, although I may not be the happy instrument, or live to behold it.

Having done all in my power, I shall acquiesce submissively to the result, whatever it may be; and I shall then, and not till then, consider my mission in this behalf ended.

TORONTO, 7th February, 1850. JOHN TORONTO.

DOCTOR STRACHAN'S CHURCH UNIVERSITY CORRESPONDENCE, PART II.

LETTER FROM DOCTOR STRACHAN TO EARL GREY, COLONIAL SECRETARY.

I have the honour to state, for Your Lordship's information, that I am the bearer of a Petition to Her Majesty the Queen, signed by more than Eleven thousand Members of the Church of England in Upper Canada, on the subject of the University of King's College.* This Document . . I am anxious to present, when it may be convenient for your Lordship to receive it.

*This Petition was largely signed after this Letter was written. See pages 103-106 of this Volume.

I have also charge of Petitions to the two Branches of the Imperial Parliament on the same subject, but these, I trust, I shall not be under the necessity of presenting, should a course, which has suggested itself to me, fortunately meet with your Lordship's favourable consideration,—a course, which, without offending anyone, would enable me to attain, in a very moderate degree, the great object which I have at heart, and for which I have been labouring more than fifty years,—namely the establishment of a Church University, and in a way that would set at rest the vexed question of King's College in the Colony, and be felt as an act of Royal Grace, proceeding from your Lordship's seasonable interference, by more than two hundred thousand of the most respectable and attached Subjects of the Queen in Western Canada.

JOHN TORONTO.

LONDON, 17th May, 1850.

II. LETTER FROM DOCTOR STRACHAN TO EARL GREY, COLONIAL SECRETARY.

I beg permission to enclose a Memorandum of the Scheme alluded to in the letter, which I had the honour to address to your Lordship on the 17th instant, for establishing, without assistance from the Colonial Government, a University in connection with our Church, and receiving from Our Gracious Sovereign what other Denominations have long enjoyed,—a Charter of Incorporation, providing for the government of the INSTITUTION, and granting it the privilege of conferring Degrees.

Your Lordship will, I trust, do justice to the course which I thus seek to pursue, and which, if concurred in by your Lordship, will enable the Church [of England] quietly to withdraw from further discussion on the subject in Canada, and to leave her enemies in the unmolested enjoyment of the Royal Endowment of which we have been most unjustly deprived, since it would appear that the Imperial Government can offer no remedy.

In this way the proposed Church University will be entirely separated from political agitation of every description, and be able to proceed in her work of religious and scientific instruction, though perhaps on a diminished scale, in security and peace.

JOHN TORONTO.

LONDON, 29th May, 1850.

MEMORANDUM OF A SCHEME FOR ESTABLISHING A CHURCH UNIVERSITY IN UPPER CANADA.

I. *Building Fund.* The contributions and donations already made in the Colony, and which may be expected to increase beyond their present amount, have reached the sum of from Twenty-five thousand pounds, (£25,000,) provincial currency to Thirty thousand pounds, (£30,000,) currency, or Twenty-six thousand pounds, (£26,000,) Sterling, to be expended in erecting the necessary Buildings.

The Endowment to arise from two sources :—

First, Source of Endowment. A Queen's Letter for collections in all the Churches of England, the proceeds of which may be assumed at Twenty thousand pounds, (£20,000,) sterling.

The reason for granting such a Letter in this case are very strong, I may with truth say irresistible ;—

1. As regards precedents, a Queen's Letter, as I am informed, was granted many years ago towards the establishment of Bishop's College at Calcutta, and half the proceeds of a Queen's Letter was recently given to the Bishop of Newfoundland, towards building his Cathedral. I am persuaded that many others are to be found, but to which, as a stranger, I have no access.

2. A Queen's Letter has only reference to the Members of the Established Church. It is a collection at Divine Service, to which the Worshippers may contribute, or not, as they see fit. It, therefore, imposes no hardship on any one, much less a compulsion to give, but is merely such a charitable act, as one Branch of the Church, being in difficulty, may receive from another Branch, and has been practised since the days of the Apostles.

3. The Church [of England] in Upper Canada has peculiar claims upon the Church of England at Home, not only as a weak child, requiring fostering care, but because the Colony has been for many years the chief Asylum of poor Emigrants from the parent State, of whom thousands are Church people, and being commonly destitute when they arrive, have been largely assisted, and such assistance always comes in the largest measure from the Members of our Church. It may indeed be truly affirmed, that more is sometimes given in one year in private charity to these destitute Strangers, than the amount assumed as the probable proceeds, in this case, of the Queen's Letter.

4. Of the Ninety-seven thousand Emigrants, who came to Quebec in 1847, more than three fourths reached Upper Canada. Of these Forty thousand landed at Toronto, bringing with them a malignant fever, and although the Government did a great deal to mitigate their distress, much more remained for the charitable to do. And what rendered matters more afflicting, many of our own people in their eagerness to relieve the sick Emigrants, became themselves victims of this virulent and contagious fever. For several months, indeed during the whole Summer, more than Twelve hundred Emigrants were sick in the Hospitals and temporary buildings erected for their accommodation in Upper Canada.

The principal agents in all this were my Clergy and people. Surely the saving to the United Kingdom of the great expense of supporting Ninety-seven thousand perishing Emigrants becomes an irresistible claim to a Queen's Letter as some small return.

5. Moreover, it will only be doing for us what the Church of England in Upper Canada, poor as she is, has already done for this great Country. A collection was made in all our Churches, Chapels, and Stations during the recent famine in Ireland and Highlands of Scotland, giving two-thirds of the amount to the former. and one-third to the latter. On the whole, we have already contributed more than ten-fold the proceeds of such a Royal Letter, and are still continuing, year after year, to give more than it is likely to produce And yet, such a mark of Royal Consideration would be most gratefuliy received as a precious remuneration for all we have done, or may hereafter do.

6. In fine, as far as I can learn, the Members of the Church of England would gladly welcome the grant of a Queen's Letter in this case, as affording them an opportunity of manifesting their love for the Church, in a way after their own hearts.

Second Source of Endowment: Contributions from Public Bodies and Individuals in England, £10,000.

But should Her Majesty the Queen condescend to bestow a Royal Donation to head the list, as I have reason to believe His Grace the Duke of Wellington is prepared to do, to the extent, at the least, of One Thousand Pounds, (£1,000), the amount of this source might be taken at Twenty, instead of Ten, Thousand pounds, (£10,000).

And here I most respectfully submit, that were Her Majesty aware that we have been deprived of a Royal Gift worth Two Hvndred and Seventy thousand pounds (£270.000,) consisting of Lands under Patent from the Crown,—yielding a Revenue of Eleven Thousand Pounds, (£11,000,) per annum, and pledged by three Sovereigns,—She would hasten to repair, in as, far as may be in Her power, the great loss and injury we have thus sustained.

In conclusion, I could, with all respect and deference, submit, that it is no slight argument in favour of this Scheme, that its adoption will set at rest a grave and troublesome Question in the Colony, in a way that can give just offense to no one. But while the National Church remains without a University to educate her youth on religious principles for the Holy Ministry and the liberal professions, the blessings of tranquility and peace can scarcely be hoped for in Upper Canada.

LONDON, 29th May, 1850. JOHN TORONTO.

III. EARL GREY, COLONIAL SECRETARY, TO DOCTOR STRACHAN.

I have had the honour to receive your Lordship's Letter of the 29th ultimo, enclosing a Memorandum on the subject of the proposed establishment, by Royal Charter, of a University in Upper Canada, in connection with the Church of England, and unaided by Colonial Funds.

I need scarcely observe to your Lordship, that Her Majesty's Government are always disposed to regard favourably proposals which are made for extending and improving the means of Education in the British Colonies, and more especially when those proposals do not involve the necessity of a Grant of Public Money. I shall, therefore, be ready to consider with the utmost attention the suggestion you have offered for the incorporation of a new University in Upper Canada, whenever your Lordship shall have favoured me with a Draft of the Charter, which may be deemed adequate for the purpose. Until I shall be in possession of such Draft, I am obviously not in a position to form any judgment upon the propriety of recommending Her Majesty to give Her consent to the desired Measure. I may observe, further, that I should feel it my duty to communicate likewise with the Provincial Government on a matter of such importance, before committing Her Majesty's Government to any settled course of action.

2. With respect to the application for a Queen's Letter, for the purpose of raising a collection in aid of the design. I have to inform your Lordship, that I find, upon communicating with the Secretary of State for the Home Department, that a very strong objection is entertained to the multiplication of such appeals to the benevelonce of Her Majesty's subjects, and that, as the Society for the Propagation of the Gospel in foreign Parts has, under the existing arrangement, the advantage of a Queen's Letter once in three years, by which large funds are collected for the support of the Church [of England] in the Colonies, I fear it will not be practicable to comply with your request. At all events, it will be impossible to do so, before a decision has been formed as to the Grant of a Charter of Incorporation to the proposed University.

3. Having laid before the Queen the Petition, dated the 9th April last, which you placed in my hands from certain Members of the United Church of England and Ireland in Upper Canada, urging the establishment of the proposed University, I have to acquaint your Lordship that Her Majesty was pleased to receive the same very graciously.

I have also laid before Her Majesty the Petition which your Lordship communicated to me at the same interview, from the Clergy and Laity of the Church of England in Upper Canada, expressing their objection to the Act passed in the last Session of the Legislature of Canada for the amendment of King's College, Toronto, and praying that measures may be taken for restoring that College to its efficiency, with such modifications of its original Charter as shall separate it

entirely from politics.* Upon this Petition, which, judging from the terms in which it is expressed, should, I apprehend, have been delivered to me previously to the confirmation of the act referred to, I have been unable to advise Her Majesty to issue any commands.

London, 13th June, 1850. Grey.

IV. Doctor Strachan to Earl Grey, Colonial Secretary.

I have the honour to acknowledge your Lordship's Letter of the 13th instant, in reply to the Communication and Memorandum which I took the liberty of addressing to your Lordship on the 29th ultimo, relative to the proposed establishment by Royal Charter, of a Church of England University in Upper Canada, but unaided by Public Funds.

Your Lordship is pleased to state that Her Majesty's Government are always inclined to regard favourably proposals which are made for extending and improving the means of Education, and more especially when the proposals do not involve the Grant of Public Money ; and that your Lordship will consider, with the utmost attention, the suggestions which I may offer for the incorporation of a Church University in Upper Canada whenever I shall have furnished you with a Draft for the same.

Such Draft I have now the honour to enclose, in the full confidence that it will receive your Lordship's approbation. It is little more than a transcript of the Charter of the late King's College, Toronto, or of that of the Scotch College now in operation at Kingston, Canada West, with such modifications only as may attach the Institution it seeks to establish to the Church of England in Upper Canada and separate it from all political influence whatsoever, and enable it to proceed in its work of Religious and Scientific instruction in security and peace.

But while I thank your Lordship for promising to give due attention to the Draft of the Charter, in order to be in a position to judge of the propriety of recommending Her Majesty to grant Her consent to the desired Measure, I trust, that, on further reflection, your Lordship will see cause to relinquish any such reference on the subject to Canada as may impede, or delay, its issue, and for the following among other reasons :—

First, It is the avowed intention of the promoters of the Statute by which King's College has been superseded and its Endowment devoted to the establishment of a new University, from which Religion is, by enactment, excluded, to make that University the only one in the Province ; and, for this purpose, they have invited, though, as yet, without success, those Religious Bodies who have Colleges of their own to surrender their Charters, and to affiliate themselves, as Theological Seminaries, around a new University. Now, so long as this desire is cherished on the part of the Provincial Government, an application for their assent to establish a Church University will in all probability fail.

Second, Such reference, I respectfully submit, would, upon another ground, be met with refusal, or dissent.

The Members of the Church of England being more than one-fourth of the population of Upper Canada, and in number more than Two Hundred Thousand, furnish nearly three-fourths of the youth who desire an University Education, as was shewn from the lists of the names of the students who attended King's College. Now, all these will go to the Church College, as soon as it commences the business of instruction ; and if to these be added the youth of the different Religious Denominations having Colleges of their own, the Toronto University, as its friends will know and admit, will be left comparatively empty : hence, they will object to any seeming rival.

Third, Had the Bishop and Members of the Church of England besought Her Majesty for something new and uncommon, it would have been reasonable to communicate with the Provincial Government, but they merely ask the advantage which every other Body of Christians in Upper and Lower Canada enjoy, namely, one College supported by their own means, in which their youth may be instructed in Religious and secular knowledge ; and as it cannot be withheld from the Church of England, without manifest injustice, your Lordship will perceive that to make it to depend upon the will, or caprice, of those by whom, that Church has been deeply injured, will be felt to be nothing less than proscription and intolerance.

Fourth, I would further, my Lord, respectfully submit, that what we request is clearly within the Royal Prerogative to bestow, and can be granted to us, as it has been to others, without giving just cause of offence to any one, since it has nothing to do whatever with party, or with politics.

Your Lordship will, I trust, pardon me for calling your attention to the humiliating position in which this condition of reference is likely to place the Church of England. No such impediment has ever been allowed to intervene between the grace of the Sovereign and any other

* These Petitions are inserted further on in this Chapter. See pages 103-106.

Religious Denomination in Upper Canada, and why should it be permitted to stand between the Queen and Her own Church in that Province which it is her special duty to protect.

All we desire, my Lord, is such a Charter as has been granted to the Church of Scotland in Canada, and under such a Charter we shall be proud to Act. Allow me, then, to hope, that your Lordship will, in consideration of the reasons which I have had the honour to suggest, and the justice and pressing nature of our cause, grant the prayer of our Petition, without any unnecessary delay.

Give us no reason, I beseech you, my Lord, to envy our neighbours in the United States of America, where there is no instance of a Charter, such as we pray for, having been refused. Instead of circumscribing their Colleges and Schools of Learning, that acute people take delight in their multiplication; and so little jealous are they in this respect, that they have uniformly cherished all such Institutions as had been founded by the Crown previous to the Revolution, and such have received from the Ruling Powers ample protection after these Powers had become foreign to the British Empire. Thus, the Colleges founded by the Kings and Queens of England in the Colonies, are still respected and preserved, and their Endowments not only held sacred, but largely increased.

As your Lordship has seen fit to decline granting a Queen's Letter to assist us in the endowment of our proposed University, I bow with due submission. But I may be allowed to state, that my request was by no means unreasonable. Precedents are not wanting; and the reasons assigned in my Memorandum, for granting such a favour, are, in the judgment of others, as well as of myself, all but irresistable.

LONDON, 18th June, 1850. JOHN TORONTO.

COPY OF DRAFT CHARTER ENCLOSED BY DOCTOR STRACHAN TO EARL GREY, COLONIAL SECRETARY.

VICTORIA, *by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith.*

To All whom these Presents shall come, GREETING:

WHEREAS, the establishment of a College within the Province of Canada, in connection with the United Church of England and Ireland for the education of youth in the principles of the Christian Religion, and for the instruction in the various branches of Science and Literature which are taught in the Universities of this Kingdom would greatly conduce to the welfare of said Province. And whereas, humble application hath been made to Us by many of our loving Subjects in Our said Province, that We would be pleased to grant Our Royal Charter for the more perfect establishment of a College therein, and for incorporating the Members thereof, for the purpose aforesaid.

Now Know ye, that We, having taken the premises into Our Royal consideration, and duly weighing the utility and importance of such an Institution; Have of Our special grace, certain knowledge and mere motion, ordained and granted, and do by these presents, for Us, Our Heirs and Successors, ordain and grant, That there shall be established at, or near, Our City of Toronto, in Our said Province of Canada, from time to time, one College with the style and privileges of an University, as hereinafter directed, for the education and instruction of youth and Students in Arts and Faculties, to continue forever, to be called "Trinity College";

And We do hereby declare and grant that Our trusty and well-beloved the Right Reverend Father-in-God, John, Bishop of the Diocese of Toronto, or the Bishop for the time being of the Diocese, in which the said City of Toronto may be situate, shall be Visitor of the said College;

And We do hereby declare that should there be any division, or divisions, of the said present Diocese of Toronto, the Bishop, or Bishops, of such division, or divisions, shall be joint Visitors of the said College with the Bishop of Toronto.

And We do hereby grant and ordain, that there shall be a Chancellor of Our said College, to be chosen for the term of four years, but capable of re-election, under such Rules and Regulations as the Visitor, or Visitors, and College Council may, from time to time, see fit to establish.

And We do hereby declare, ordain, and grant, that there shall, at all times, be one President of Our said College, who shall be a Clergyman in Holy Orders of the United Church of England and Ireland, and that there shall be such and so many Professors in different Arts and Faculties within Our said College as, from time to time, shall be deemed necessary, or expedient, and as shall be appointed by the Visitor of Our said College.

And We do hereby, for Us, Our Heirs and Successors, will, ordain and grant, that the said Chancellor and President, and the said Professors of Our said College, and all persons who shall be duly matriculated into, and admitted as Scholars of, Our said College, and their successors forever, shall be one distinct and separate body politic in deed and in name, by the name and style of "The Chancellor, President and Scholars of Trinity College, at Toronto, in the Province of Canada," and that, by the same name, they shall have perpetual succession and a Common Seal, and that they and their successors shall, from time to time, have full power to alter, renew, or change such Common Seal at their will and pleasure, and as shall be found convenient; and that, by the same name, they, the said Chancellor, President and Scholars, and their Successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and

maintain, to and for the use of the said College, any Messuages, Lands, Tenements and Hereditaments, of what kind, nature, or quality soever, situate and being within our said Province of Canada, so that the same do not exceed in value Fifteen thousand pounds (£15,000,) sterling, above all charges; and, moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all, or any Goods, Chattles, Charitable, or other, Contributions, Gifts, Legacies, or Benefactions, whatsoever. And We do hereby declare and grant that the said Chancellor, President and Scholars, and their Successors, by the same name, shall, and may be able and capable in law, to sue and be sued implead and be impleaded, answer, or be answered, in all, or any Court, or Courts of Record within Our United Kingdom of Great Britain and Ireland, and Our said Province of Canada, and other Our Dominions, and in all singular actions, causes, pleas, suits, matters and demands whatsoever, or what nature, or kind, soever, in as large, ample, and beneficial a manner and form as any other body corporate and politic, or any other Our liege Subjects, being persons able and capable in law, may, or can, sue, implead, or answer, or be sued, impleaded, or answered, in any manner whatsoever.

And We do hereby declare, ordain and grant, that there shall be within Our said College, or Corporation, a Council to be called and known by the name of: "The College Council."

And We do will and ordain that the said Council shall consist of the Chancellor and President, and of five of the Professors in Arts and Faculties of Our said College, and that such five Professors shall be Members of the Established United Church of England and Ireland; and shall, previously to their admission into the said College Council, severally sign and subscribe the Thirty-nine Articles of Religion, as declared and set forth in the Book of Common Prayer; and in case, at any time, there should not be within Our said College five Professors of Arts and Faculties being Members of the Established Church aforesaid, then Our will and pleasure is;

And We do hereby grant and ordain, that the said College Council shall be filled up to the requisite number of five, exclusive of the Chancellor and President, for the time being, by such persons being graduates of Our said College, and being Members of the Established Church aforesaid, as shall, for that purpose, be appointed by the Visitor, or Visitors, for the time being, of Our said College, and which Members of Council shall, in like manner, subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said College Council.

And, whereas, it is necessary for the completion and filling up of the said Council at the first institution of Our said College, and previously to the appointment of any Professor, or the conferring of any Degree therein;

Now We do further ordain and declare, that the Visitor, or Visitors, of Our said College, for the time being, shall upon, or immediately after the first institution thereof, by warrant, under his hand, nominate and appoint five discreet and proper persons, resident within Our said Province of Canada, to constitute jointly with the Chancellor and President, for the time being; the first, or original, Council of Our said College; which first, or original Members of the said Council shall, in like manner, respectively subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said Council.

And We do further declare and grant, that the Members of the said College Council, holding within Our said College the offices of Chancellor, President, or Professor in Art, or Faculty, shall respectively hold their seats in the said Council so long as they, and each of them, shall retain such their offices, as aforesaid, and no longer. And that the Members of the said Council, not holding offices in Our said College shall, from time to time, vacate their seats in the said Council when, and so soon as, there shall be an adequate number of Professors in our said College, being Members of the Established Church aforesaid, to fill up the said Council to the requisite number before mentioned.

And We do hereby authorize and empower the Visitor, for the time being, of Our said College, to decide, in each case, what particular Member of the said Council, not holding any such office, as aforesaid, shall vacate his seat in the said Council, upon the admission of any new Member of Council holding any such office.

And We do hereby declare and grant, that the Chancellor, for the time being, of Our said College, shall preside at all Meetings of the said College Council, which he may deem it proper, or convenient, to attend, and that, in his absence, the President of Our said College shall preside at all such Meetings, and that, in the absence of the said President, the Senior Member of the said Council, present at any such meeting, shall preside thereat, and that the seniority of the Member of the said Council, other than the Chancellor and President, shall be regulated according to the date of their respective appointments; Provided always, that the Members of the said Council being Professor in Our said College shall, in the said Council, take precedence over and be considered as seniors to the Members thereof not being Professors in our said College.

And We do ordain and declare, that no Meeting of the said Council shall be, or be, held to be a lawful meeting thereof, unless four Members, at the least, be present during the whole of every such meeting; and that all questions and Resolutions proposed for the decision of the said College Council shall be determined by the majority of the votes of the Members of Council present, including the vote of the presiding Member; and that, in the event of an equal division of such votes, the Member presiding at any such Meeting shall give an additional, or casting, vote.

And We do further declare, that if any Member of the said Council shall die, or resign his seat in the said Council, or shall be suspended, or removed from the same, or shall, by reason of any bodily, or mental, infirmity, or by reason of his absence from the said Province, become incapable, for three calendar months, or upwards, of attending the Meetings of the said Council, then, and, in every such case, a fit and proper person shall be appointed by the said Visitor, or Visitors, to act as, and be, a

Member of the said Council in the place and stead of the Member so dying, or resigning, as so suspended, or removed, or incapacitated, as aforesaid; and such new Members succeeding to any Member, so suspended, or incapacitated, shall vacate such his office on the removal of any such suspension, or at the termination of any such incapacity, as aforesaid, of his immediate predesessor in the said Council.

And We do further ordain and grant, that it shall, and may, be competent to, and for, the Visitor, or Visitors, for the time being, of Our said College, to suspend from his seat in the said Council any Member thereof, for any just and reasonable cause to the said Visitor appearing; Provided, that the grounds of every such suspension shall be entered and recorded at length by the said Visitor in the Books of the said Council, and signed by him. And every person, so suspended, shall thereupon cease to be a Member of the said Council, unless, and until, he shall be restored and re-established in such his station therein, by any order to be made in the premises by the said Visitor of Our said College.

And We do further declare, that any Member of the said Council, who, without sufficient cause, to be allowed by the said Visitor, by an order entered for what purpose, on the Books of the said Council, shall absent himself from all the meetings thereof, which may be held within any six successive calendar months, shall, thereupon, vacate such his seat in the said Council.

And We do, by these presents for Us, Our Heirs and Successors, will, ordain, and grant, that the said Council of Our said College shall have power and authority to frame and make Statutes, Rules, and Ordinances, touching and concerning the good government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and all matters regarding the same, the residence and duties of the President of Our said College, the number, residence, and duties of the Professors thereof, the management of the Revenues and Property of Our said College, the salaries, stipends, provisions, and emoluments of, and for, the President, Professors, Scholars, Officers, and Servants thereof, the number and duties of such Officers and Servants; and also, touching and concerning any other matter, or thing, which to them shall seem good, fit, and useful, for the well being and advancement of Our said College, and agreeable to this Our Charter. And also, from time to time, by any new Statutes, Rules, or Ordinances, to revoke, renew, augment, or alter, all, every, or any of the said Statutes, Rules, and Ordinances, as to them shall seem meet and expedient; Provided always, that the said Statutes, Rules, and Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of Our said Province of Canada, or to this Our Charter; Provided also, that the said Statutes, Rules and Ordinances, shall be subject to the approbation of the said Visitor of Our said College for the time being, and shall be forthwith transmitted to the said Visitor for that purpose. And that, in case the said Visitor shall, in writing, signify his disapprobation thereof, within six months of the time of their being so made and framed, the same, or such part thereof, as shall be so disaproved of by the said Visitor shall, from the time of such disapprobation being made known to the said College Council, be utterly void and of no effect, but, otherwise, shall be, and remain in full force and virtue.

And We do further order and declare, that no Statute, Rule, or Ordinance, shall be framed, or made by the said College Council, touching the matter aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council by the Chancellor, for the time being, of Our said College. And We do require and enjoin the said Chancellor thereof, to consult with the President of Our said College, and the next senior Member of the said College Council respecting all Statutes, Rules and Ordinances to be proposed by him to the said Council for their consideration.

And We do hereby for Us, Our Heirs and Successors, charge and command, that the Statutes, Rules and Ordinances aforesaid, subject to the same provisions, shall be strictly and inviolably observed, kept and performed, from time to time, in full vigour and effect, under the penalties to be thereby, or therein, imposed, or contained.

And We do further will, ordain and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such, and the like, privileges as are enjoyed by Our Universities of Our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had, or enjoyed, by virtue of these Our Letters Patent; and that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master, and Doctor, in the several Arts and Faculties at the appointed times; and shall have liberty within themselves, of performing all scholastic exercises for the conferring of such Degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said Colleges. And We do further will, ordain and appoint that no Religious Test, or Qualification, shall be required of, or appointed, for any persons admitted, or matriculated, as Scholars within Our said College, or of persons admitted to any Degree in any Art, or Faculty, therein, save only that all persons admitted within Our said College to any Degree in Divinity, shall make such and the same Declaration and Subscriptions, and take such, and the same, Oaths as are required of persons admitted to any Degree of Divinity in Our University of Oxford.

And We do further will, direct and ordain, that the Chancellor, President, and Professors of Our said College, and all persons admitted therein to the Degree of Master of Arts, or to any Degree in Divinity, Law, or Medicine, and who, from the time of such their admission, shall pay the annual sum of Twenty Shillings sterling money for and towards the support and maintenance of the said College, shall be, and be deemed, taken and reputed to be, Members of the Convocation of the said University, and, as such Members of the said Convocation, shall have, exercise and enjoy, all such, and the like, privileges as are enjoyed by the Members of the Convocation of Our University of Oxford, so far as the same are capable of being had and enjoyed by virtue of these Our Letters Patent, and consistently with the provisions thereof; and We will, and by these Presents for Us, Our Heirs

and Successors, do grant and declare that these Our Letters Patent, or the enrolment, or the exemplification thereof, shall and may be good, firm, valid, sufficient and effectual in the Law, according to the true intent and meaning of the same; and shall be taken, construed and adjuged in the most favourable and beneficial sense, or to the best advantage of the said Chancellor, President and Scholars of our said College, as will in Our Courts of Record, as elsewhere, and by all and singular Judges, Justices, Officers, Ministers and other subjects whatsoever of Us, Our Heirs and Successors, any misrecital, non-recital, omission, imperfection, defect, matter, cause, or thing whatsoever, to the contrary thereof in any wise notwithstanding. In witness whereof We have caused these our Letters to be made Patent. . .

(NOTE. The next Letter written by Doctor Strachan was addressed to Mr. Benjamin Hawes, Under Secretary of State for the Colonies, enclosing, for Earl Grey's information, a Memorandum of two interviews on the subject of the Church University, which he had had with Sir Robert Peel. But, as these interviews were personal, and non-official, I do not insert here either the Communication itself, or the Memorandum.)

V. DOCTOR STRACHAN TO EARL GREY, COLONIAL SECRETARY.

I have had the honour of receiving your Lordship's Letters of the 18th ultimo, . . . on the subject of the establishment, by Royal Charter, of an University in Upper Canada exclusively connected with the Church of England.

I have, in reply, to inform your Lordship that I have perused the Draft Charter enclosed in your Letter, and I have also carefully considered the suggestions by which it is accompanied, and that I regret to be under the necessity of stating, that it is impossible for me to come to any decision on the application you have submitted to me, without having had an opportunity of ascertaining what may be the views of the Provincial Government upon it. I will, therefore, transmit copies of your Letters and of the Draft Charter to the Earl of Elgin, and I must postpone offering any advice to Her Majesty as to the grant, or refusal, of the Charter, until I shall have received His Lordship's report upon the subject.

In stating to your Lordship that such is the course which I feel it to be my duty to take, I beg to observe, . . . that, in making the proposed reference to the Governor of the Colony, I am merely acting in accordance with the rule which I have thought it right invariably to adhere to since I have had the honour of holding the Seals of this Department, (and, in which, I believe, I am following the practice of my Predecessors in office,) to decline adopting, (in consequence of applications addressed to me directly,) any important step affecting the internal interests of Her Majesty's Colonial Possessions, without having had a previous opportunity of communicating on the subject with the Governor of the Colony to which such application may relate. Your Lordship is aware that, if your application for a Royal Charter had been addressed to me by Letter from the Colony, the established Regulations of the Colonial Service would have required that it should have been forwarded to me through the Governor, in order that he might have an opportunity of offering an explanation of his views with regard to it, before any decision was come to by Her Majesty's Government. I conceive, that the circumstance of your Lordship having come to this Country, in order to bring the application before me personally, instead of by Letter, can make no difference in the obvious propriety of enabling the Governor to call the attention of Her Majesty's Government to any considerations which may appear to him to require their attention, before they come to a decision, on a subject of such deep importance, to the people of Canada.

I cannot conclude this Letter, without expressing the great regret with which I have observed an expression in the Memorandum of your interview with Sir Robert Peel, which might be understood as implying that you regard a reference of this question to the Governor General of Canada as a reference "to your enemies." Nothing I am persuaded, can be more erroneous than such an idea, nor has there been anything in the conduct of the Earl of Elgin which seems to me to justify the smallest doubt of his entertaining an earnest and conscientious desire to act fairly and impartially towards every Christian Church in Canada, and especially towards that of which he is himself a Member.

I shall postpone transmitting this Correspondence to the Governor General, until I am informed whether there are any further observations on the subject to which it relates, which you would desire to have brought under his notice.

LONDON, 26th July, 1850. GREY.

VI. DOCTOR STRACHAN TO EARL GREY, COLONIAL SECRETARY.

I have the honour to acknowledge your Lordship's Letter of the 26th instant, and had not my attention been called to two words which occur in the narrative of my interviews with the late Sir Robert Peel, I should have been content with expressing my regret at the course which your Lordship had been pleased to adopt.

That lamented Statesman knew as well I did, that the words "our enemies" do not include or apply to the Earl of Elgin, who is not believed to be clothed with the sufficient authority to interfere with effect under what is called Responsible Government.

In regard to applications made from a Colony to the Imperial Government, being sent back to the Authorities of that Colony, it may be convenient, as a general rule, when the subject matter is new, unknown, or not well understood. But, I submit, that the question of granting the Charter I desire is not exposed to any of these objections. It has been acted upon in the case of the Kirk of Scotland in Upper Canada, in that of the Methodist Body, who enjoy a Royal Charter for an Academy.

I shall, nevertheless, hope against hope, that the Colonial Authorities may see the iniquity of refusing their assent to a measure so reasonable and just, now that the responsibility is thrown wholly upon themselves.

LONDON, 27th July, 1850. JOHN TORONTO.

(NOTE. The foregoing Letter closed the Correspondence of 1850 between Doctor Strachan and Earl Grey. The various Letters of that Correspondence were, by Earl Grey, enclosed, two days after the date of Doctor Strachan's last letter, to Lord Elgin, the Governor General of Canada, including also the two following Petitions to the Queen, which were by Doctor Strachan, personally placed in Earl Grey's hands, and, by him, laid before Her Majesty, as he informed Doctor Strachan in his Letter to him of the 13th June, 1850. (see pages 97-98.)

These Petitions recount, somewhat in historic form, the incidents and vicissitudes of the Church of England in Upper Canada, particularly so far as that Church had to do with the promotion of University Education in the Province, from 1827 to 1850. The following are copies of these two Petitions, as they were presented to the Queen by Earl Grey) :—

PETITION TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY ;

We your Majesty's dutiful and loyal Subjects, Members of the United Church of England and Ireland, in Upper Canada, humbly beg leave to represent, that His late Majesty, King George the Fourth, was graciously pleased in the Eighth Year of His Reign, to establish and incorporate, by a Royal Charter, under the Great Seal of England, a College within the Province of Upper Canada for the education of youth, (as the said Charter especially declared,) in the Principles of the Christian Religion, and for their instruction in the various Branches of Science and Literature.

That His Majesty was pleased to give to the said College the name of King's College, to confer upon it the style and privileges of an University, with power to confer Degrees in Divinity and in other Faculties, and to pass Statutes and By-laws for the good government and management of the said University, and especially for the performance of Divine Service therein ; and that His Majesty was further pleased to provide for the adequate support of the said University, by directing a Grant of Land to be made for its Endowment from the Waste Land of the Crown in Upper Canada.

We beg leave further to represent to Your Majesty, that although, by its Charter, the University was to be open to all, without exacting any Religious Test from either Professor, or Scholars, except as regarded the Faculty of Divinity, yet it was so far in connection with the National Church, that the Members of the College Council were required to be Members of that Church, and subscribe to her articles, and so were the Professor of Divinity and all Students who should take Degrees in Divinity.

That some discontent having been excited in the Province, on account of these provisions, it was thought fit by His late Majesty, King William the Fourth, to allow the Legislature of Upper Canada to pass an Act, altering the terms of the Royal Charter in these particulars, which connected the said

University exclusively with the Church of England, and especially abolishing all Religious Tests, or Qualifications, except that it was required that the Members of the College Council and all the Professors to be appointed, should make a declaration that they believed in the authenticity and Divine Inspiration of the Old and New Testament, and in the Doctrine of the Trinity.

That under this altered Charter, King's College preserving its name and munificent Endowment granted by the Crown was still capable of being made a Seat of Learning, valuable for all who can appreciate the blessing of sound Religious Instruction for their children, because, although the security of tests was removed, yet these were no prohibition against the establishment and continuance of a Divinity Professorship of the Church of England within the said University, and the regular celebration of Divine Service; and His Majesty King William the Fourth, when he was pleased to assent to the modification of the Charter, having especially required that that advantage should be secured to the Members of the National Church; there was, in fact, a Divinity Professorship of the Church of England, appointed upon the organization of the College during the administration of Governor General, Sir Charles Bagot, whose services were continued through the whole period that the College was in successful operation, which it had been from its commencement until the first day of January last, (1850), on which day an Act of the Provincial Legislature, passed in its last Session, (of 1849,) came into force, repealing and annulling in effect, the whole Royal Charter, by which King's College was established.

We now humbly beg leave to represent to Your Majesty, that, by this last Act, the University of King's College, as established by Royal Charter, under the Great Seal of England, in 1827, has been virtually abolished, its name being changed to the "University of Toronto," and its property and funds directed to be applied to the support of an Institution, in which it is expressly provided by the law which creates it, that there shall be no Faculty of Divinty, nor shall there be any Professorship, Lectureship, or Teachership, of Divinity in the same; that there shall be no Religious Test, or qualification, whatever, for any Scholar, Student, or Fellow, or for any Person appointed to any office, or employment, whatever, in the same, nor shall any Religious Observances, according to the forms of any particular Religious Denomination, be imposed upon the Members, or Officers, of the said University, or any of them; that the University shall have no power to confer any Degree in Divinity; and that no person shall be appointed by the Crown to any Seat in the Senate, who shall be a Minister, Ecclesiastic, or Teacher, according to any form, or profession, of Religious Faith, or Worship whatsoever.

The foundation which had been so kindly and liberally made, by our Sovereign, for the sound, moral and Religious education of our youth, having been, in this manner, destroyed. Your Majesty's Petitioners feel that it has now become their duty to make the most strenuous efforts for founding an University, or College, in which instruction in the Sciences may be combined with a sound Religious Education; and, in which the truths of Christianity, as they are held by their Church can be taught without jealousy, or reserve. We do not desire to see Tests imposed of such a nature as could create uneasiness among the Members of the Church [of England,] and would consider the great object of Religious peace and unity within the College, sufficiently secured by requiring from all who are to have any share in its Government, or any duties, as Professors, Teachers, or Officers; to be performed within it, the declaration that they are sincere and faithful Members of the United Church of England and Ireland, conforming to her Liturgy; submitting to her discipline; and believing in her doctrines; and pledging themselves that their conduct shall be always in accordance with that declaration.

We entreat that your Majesty will be graciously pleased to grant Your Royal Charter, for the Incorporation of an University, to be established, on this clear and unequivocal principle, and to be supported by means which the Members of the Church [of England,] will contribute from their own resources.

The privilege which we ask has been already conceded to the Members of the Church of Scotland in Upper Canada, and will not, as we humbly hope be withheld from the Members of the Church of England, composing, as they do, the most numerous Denomination of the Christians in Upper Canada, and being behind none in devotion to Your Majesty's Royal Person and Government, in obedience to the laws, and in the proofs of a just and tolerant spirit towards all classes of their fellow-subjects.

And Your Majesty's dutiful and loyal Petitioners will ever pray.

John Toronto,
Geo. Okill Stuart, Archdeacon of Kingston.
Alexander Neale Bethune, Archdeacon of York.
H. J. Grasett, M. A., Cantab.
James Beaven, M. A.,
Stephen Lett, LL. D., Clerk.
J. G. D. McKenzie, B. A., Clerk.
Arthur Palmer, B. A., Clerk.
J. Gamble Geddes, B. A., Clerk.
Edmund Baldwin, M. A., Clerk.
Richard Mitchell, M. A., Clerk.
W. Stewart Darling, Clerk.
John B. Robinson, Chief Justice of Upper Canada.
James B. Macaulay, Chief Justice, Common Pleas.
William H. Draper, Justice, Queen's Bench.
J. C. P. Esten, Vice Chancellor.
Robert S. Jameson. Vice-Chancellor.
Edward G. O'Brien,
William B. Robinson,
Thomas D. Harris,
Lewis Moffatt,
James Gordon,
Alexr. Burnside,
Enoch Turner.
William Natomd, LL. D.
Lucius O'Brien, M. D.
Thomas Champion,
Geo. Crookshank,
John Duggan,
John Beverly Robinson,
M. Betley,
W. Brent.

Toronto, 9th April, 1850.

2. PETITION TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's most dutiful and loyal Subjects, the Clergy and Laity of the United Church of England and Ireland, inhabiting that part of British North America, which formerly composed the Province of Upper Canada,

MOST HUMBLY REPRESENT:—

That after the Peace of 1783, this portion of your Majesty's Dominions become the Asylum of those faithful Loyalists, who, during the Revolutionary War with the Colonies, now the United States, shed their blood and sacrificed their property in adhering to their King and the 'Unity of the Empire.'

That the Parent State, anxious to prove her grateful sense of their affectionate and disinterested services in a way the most agreeable to their wishes and feelings, conferred upon them, in 1791, a form of Government similar to their own, and, in order that the State, as at home, might be sanctified by Religion, provision was made at the express command of your Majesty's Royal Grandfather, in the Constitutional Act of 1791 for its support, according to the form of the United Church of England and Ireland, by the setting apart for that, the most important of all objects, a portion of the waste Lands of the Crown.

That in the spring of 1797, the Legislature of Upper Canada addressed their beloved Sovereign, George the III, of blessed memory, for a portion of the Waste Lands of the Crown, to produce a fund for the purposes of Education, and more especially for the support of the Grammar Schools and a University.

To this Address a most gracious Answer was returned, granting their request,* and expressing His Majesty's paternal regard for the welfare of his loyal Subjects in the furtherance of an object so important as the instruction of their youth in sound learning, and the principles of the Christian Religion.

That, soon after the Colonial Government, (in 1797-1798), appropriated for the required object Five Hundred thousand acres of Crown Lands, one half for the support of Grammar Schools, and the other half for the establishment of a University.†

That the slow advance of the Colony in wealth and population during the War, which had so long desolated Europe, delayed, for many years, the establishment of the University; but, although postponed, it was never lost sight of; and, in 1827, a Royal Charter was granted by His late Majesty King George the Fourth, erecting a College, or University, within the Province of Upper Canada, in which the wishes of His Royal Father are embodied, as it provides for the,—

"Education of Youth, in the Principles of the Christian Religion, and for their instruction in the various branches of Science and Literature, which are taught in the Universities of this Kingdom."

Your Majesty's humble Petitioners would further represent, that steps were immediately taken to secure, by Royal Patent, the valuable Endowment granted at the same time with the Charter, and measures were adopted for opening the University, and commencing the business of instruction; but, before this could be accomplished, a Despatch was received by the Lieutenant-Governor, Sir John Colborne, (now Lord Seaton,) bearing date the 2nd November, 1831, recommending at the express desire of His Majesty, King William IV, such reasonable modifications as might satisfy certain adversaries of the Charter, but, at the same time, stating that no part of the Endowment of the College would ever be diverted from the great object of the education of youth, and that it must ever be regarded sacredly and permanently appropriated to that important object; and His Majesty earnestly recommended to the consideration of the Legislature the permanent establishment in the College of a Professor of Divinity of the Church of England, upon a sure footing, declaring it to be a matter of great importance to those of His Subjects in Upper Canada, who belonged to the Church of England, and that His Majesty, as the Constitutional Head of that Church, could not be insensible to the duty which belonged to him of protecting it in all parts of his Dominions.

That, in accordance with the wishes of Your Majesty's Royal Uncle, the Statute of 1837, 7th William IV, Chapter XVI, was passed by the Legislature of Upper Canada, which, satisfied, by its modifications, all the objections of the more reasonable of the opponents of the Charter; and, as they neither trenched on the Endowment of the University, nor on its Religious character, though, in other respects, objectionable, the authorities of the College, for the sake of peace, were reluctantly induced to acquiesce in their enactment.

That, these modifications, like, all unreasonable concessions of principle to factious clamor, produced only a transient calm. The enemies of the National Church, implacable in their hostility and encouraged by unlooked for success, again assailed King's College, after it had been in prosperous

* The request was not granted, as preferred by the House of Assembly, but it was granted on more liberal and more comprehensive terms than were expressed in the Memorial of the House of Assembly to the King. See pages 16 and 17 of the First Volume of this Documentary History.

† This Statement is incorrect. The Legislature asked for a Grant for Grammar Schools and a University, in 1797; but the Grant was made in that year for Grammar Schools, and "other Seminaries of a larger and more comprehensive nature." The Grant of Lands to King's College was not made until 1828. See page 17 of the First Volume of this History.

operation for more than six years, without any complaint as to its management, or manner of instruction, and without any second invitation on the part of the Crown, and were again successful; not merely in effecting partial charges, but in accomplishing the complete destruction of what might have been the noblest Seminary on the Continent of America.

Your Majesty's dutiful Subjects would further represent, that the Act thus passed by the Legislature of Canada, on the 30th of May last, not only destroys King's College, and, in effect, confiscates the whole of its Endowment, but establishes a secular College, from which Religious Instruction is expressly excluded, and this, in direct opposition to the wishes and invitations of three Monarchs, and to the chief object for which it was prayed for and enacted; namely, the Religious Instruction of youth, and the training of such as were inclined for the Holy Ministry; and that no loyal and grateful feelings may hereafter associate "King's College" with its Royal benefactors, the very name is suppressed, and "University of Toronto," substituted in its room.

That Your Majesty's humble Petitioners need scarcely represent, that they were filled with grief and dismay at this unjust and ungodly Act of Legislation, unexampled, as they believe, in British History; and that they can have no confidence in, or connexion with, an Educational Institution in which the voice of Prayer and Praise can never be heard, and from which, by the abolition of all Religious Services, the acknowledgement of the Deity, and belief in the Saviour, are excluded. By the passing of this Act, should it unfortunately be confirmed by your Majesty, nearly Two Hundred Thousand of your Majesty's most loyal and devoted Subjects, who belong to the National Church, will be deprived of the means which they enjoyed, through the bounty of the Crown, of educating their children in the Christian Faith, or of bringing up such as are disposed to the Holy Ministry; from all which your Majesty will perceive that the welfare of that Church, of which your Majesty is the constitutional Head and Protector, is placed in imminent peril.

Your Majesty's loyal Subjects further represent, that they have the pledge of no fewer than three Sovereigns for the integrity of King's College, as a Protestant Religious Seminary, according to the order of the Church of England, and for the safety of its Endowment, and they are the more encouraged to claim the fulfilment of this sacred and Royal pledge, from the fact, that the Endowments of Louis XIV, in Lower Canada,—nearly ten times the amount of those granted to King's College,—are reverently respected, while the only Seminary belonging to the Church of England in Upper Canada is not merely rendered useless to the cause of Religion, but will be utterly destroyed, and a Godless Institution established in its stead, unless Your Majesty shall graciously interfere by the exercise of your Royal Prerogative to prevent it.

Your Majesty's humble Petitioners most respectfully represent, that they have been brought up to fear God and honour the King; they have ever held the promise of their Sovereign sacred, and worthy of all trust; and, so trusting, they did not presume when Lands were cheap in the Province, and an Endowment might have been easily obtained, to stand between the grace of the Sovereign, and the people; nor were they prepared for the disregard to the Royal Prerogative and the just claims of the National Church manifested by the late Act, which Act they consider more unaccountable and unjust, because the same Legislature has abundant means at its disposal of endowing as many Colleges as it pleases, without the slightest detriment to any one; and of leaving that of Her Sovereign and Her Religion, free and untouched. For, all we ask is simply to retain the advantage which is actually enjoyed by every other body of Christians in Upper Canada, of having one place of public Education, in which their young men may be religiously instructed, and, such as desire it, trained to the Holy Ministry; and not to have an Endowment wrested from us which our Sovereign has granted for that purpose.

Your dutiful and loyal Subjects, May it please Your Majesty, would further observe, in deep anguish of heart, that there was a time when the word of the Sovereign was felt to be as secure as the stability of the Empire, and shall such a time be allowed to pass away? The truth of the Sovereign and the affection of the people are co-relative, as the one cannot live without the other. Yet, nearly one-third of the inhabitants of this noble Colony are suffering in their dearest rights and interests from an Act, which they feel to be extremely oppressive. They are deprived of their University and Endowment, although thrice guaranteed by the Crown, and, by this, they lose the power of conferring Degrees in Arts and Divinity, which virtually passes on them a sentence of proscription, from all such offices of profit and honour as require a Degree to qualify for their attainment,—above all, they are deprived of the means of bestowing on their children an Education based on Religion, the only Education worth possessing.

Under such trying circumstances, to whom can they go for redress but to Your Majesty, in whose maternal affection they put their trust, as many of them now far advanced in life, have done in your Majesty's Predecessors.

Permit us, then, the hope that Your Majesty will lend a gracious ear to this, our humble supplication; that influenced by your exalted position as Constitutional Head of the Church, you will cause the pledge of three Sovereigns to be redeemed, by the restoration of King's College in all its efficiency, with such modifications of its original Charter as shall separate it entirely from politics, and allow it to proceed on its work of Scientific and Religious Instruction in security and peace.

And your Majesty's dutiful and loyal Petitioners, as in duty bound, will ever pray.

(NOTE.—This Petition was Signed, (as stated by Doctor Strachan), by above one hundred and twenty five thousand persons in Upper Canada, and presented to Her Majesty the Queen in June, 1850.] [See pages 103-106 of this Chapter)

VII. Letter from Earl Grey, Colonial Secretery, to Lord Elgin, Governor General of Canada.

I have the honour to transmit to Your Lordship, Copies of a Correspondence between the Lord Bishop of Toronto and myself, on the subject of the establishment, by Royal Charter, of an University in Upper Canada, exclusively connected with the Church of England, and unaided by the Public Funds of either this Country, or the Province ; and I have to request Your Lordship will report to me your opinion, whether there are any circumstances, in the present state of Canada which would afford any sufficient reason for witholding from the Members of the Church of England, who are desirous of establishing a University, by means of funds raised by themselves, and without assistance from the public, the advantage of a Royal Charter in the terms of the enclosed Draft. I am not, myself, aware that any such circumstances exist, and I should greatly regret to find that there is any obstacle to the grant of the proposed Charter, since it appears to me that it would only afford to the Members of the Church of England facilities for carrying on education, according to their own views, which are usually extended to other Religious communities.

Bishop of Toronto, 29th May, 1850.
Earl Grey, 13 June, 1850.
Bishop of Toronto 8th June, 1850, with draft of proposed Charter.
Earl Grey 26th July, 1850.
Bishop of Toronto 27th July, 1850.
1. Petition to the Queen.
2. Petition to the Queen.
In Letter of 18th June.
Bishop of Toronto Earl Grey.

London, 29th July, 1850. Grey.

DOCTOR STRACHAN'S CHURCH UNIVERSITY CORRESPONDENCE, PART IV.

I. Letter to the Secretary of the Society for Promoting Christian Knowledge.

Permit me to approach, through you the Venerable Society for Promoting Christian Knowledge, under circumstances of no ordinary character, and to entreat its sympathy and assistance in shielding the Church [of England] in Upper Canada from the consequences of an injury inflicted upon her by the Legislature of that Province.

The Society is aware that the University of King's College was opened at Toronto for the business of instruction on the 8th of June, 1843 ;* and, notwithstanding, the attempts of its enemies, year after year, to bring about its destruction, it proceeded with great vigour and success during the six years and a half of its existence, and was obtaining, through its scholars, an influence which was rapidly increasing throughout the Diocese of Toronto,—embracing the whole of Upper Canada. Parents felt a confidence in its Religious character ; and, as none but students belonging to the Church of England were expected to attend the College Chapel, sober-minded Dissenters were not offended. On the contrary, the knowledge that Prayer was offered up, morning and evening, and the Services of the Church [of England] regularly celebrated on Sundays and Holy-days pleased them, because these acts of Worship sanctified the labours of the Institution.

During this brief period, the Degrees conferred were seventy-five, and the number of students, including occasional learners, three hundred. The usual honours were obtained by Presbyterians and Congregationalists, and others, as well as by the Members of the Church [of England] for the secular instruction imparted by the Institution was open to Dissenters. But these proofs of prosperity and growing usefulness, instead of conciliating the enemies of King's College, increased their animosity. They became alarmed, lest, if left unmolested for a few years, it would acquire a popularity among all the truly Religious in the Province, and place itself in a position of safety, which they could not disturb. Hence, they allowed it no peace. Session after Session of the Legislature it was assailed ; and, after defeating three successive Measures for its destruction, its friends became weary and discouraged and the fourth attempt has unfortunately proved successful. On the 1st of January, 1850, the destruction of King's College was completed ; for on that day, the Provincial Statute of 1849, by which it was suppressed, came into force.

In the Preamble of the Act, which destroys King's College and establishes a University, from which Religion is totaly excluded, it is averred to be a Measure :—

"For the advancement of learning, upon principles calculated to insure the confidence of all classes and denominations of Her Majesty's subjects, and which, under the blessing of Divine Providence, would encourage the pursuit of Literature, Science, and Art, and, thereby, tend to promote the best interests, Religious, Moral, and Intellectual, of the people at large."

But, upon what provisions does this Statute seek to attain these important objects ? In the Twelfth Section it enacts, "That there shall be no faculty of Divinity in the same ;" by the Twenty-Ninth Section, repeated in the Sixty-fourth ; it ordains, "That no Religious test, or qualification, whatsoever shall be required of, or appointed for, any person admitted, or matriculated, ... Nor—

* For particulars of this Opening, see pages 277-292 of the Fourth Volume of this Documentary History.

"Shall Religious Observances, according to the forms of any particular Religious Denomination, be imposed upon the Members or Officers of the said University, or any of them."

To speak of the interests of Religion being promoted by an Institution, from which every reference to it is, by law, excluded is a cruel and unworthy mockery.

But, on this point, the people of the Colony have already spoken. The three great Denominations, as well as the Church of England, embracing together almost two-thirds of the population of Upper Canada, and nearly all who require collegiate instruction, have resolved to have no connection with such an Institution.

The Synod of the Church of Scotland, in their address to the Queen, dated Kingston, Upper Canada, 17th July, 1849, express their grief and disappointment at the attempts that are made to sever Religion from Public Instruction, and add,

"We refer especially to the University Measure carried through the late Session of Parliament, and now become law, which, though the University was endowed, by one of Your Majesty's Royal Predecessors, expressly for the education of the youth of these Provinces in the Christian Religion, as well as in Literature and Science, does yet so thoroughly exclude Christianity that there is no security that the men, to whom shall be confided the high work of informing and training the minds of our youth, be men who even believe in 'the only true God, and Jesus Christ whom he has sent.' As a Christian Church, we should be betraying the cause we are bound to uphold, did we not draw Your Majesty's attention to this disastrous Measure, and if we did not express our earnest hope that, since it so directly contravenes the intentions of the enlightened Founder, while it is regarded with dissatisfaction by all the great Religious Bodies of the Country, means may yet be taken, by Your Majesty's gracious direction, to amend the provisions of the Statute, and so to avert from us and our posterity a calamity so great as its permanent adoption must inevitably bring upon us, if it be true that them that honour God He will honour, while they that despise Him shall be lightly esteemed."*

The *Christian Guardian*, a journal published at Toronto, (Canada) and which is the acknowledged organ of the Methodist Body, in its impression dated the 13th of February, 1850, says,—

"During the progress of the Godless University Bill through both Branches of the Legislature, and up to the time of its receiving the Royal Assent, we did all in our power to oppose it, and shunned not to expose its extraordinary provisions and character. In three existing University Colleges: Victoria, Reglopolis and Queen's,—that is Methodist, Roman Catholic and Scotch Colleges, have distinctly announced that they cannot co-operate with the framers of this Godless scheme; and, so long as the measure remains unaltered, so long must they stand aloof from the godless University, and, according to the best of their ability, pursue their own course, retaining their Charters, and furnishing the youth in their halls with an education established on Religious principles.

The Lord Bishop of Toronto is taking steps for the establishment of an Episcopalian University, in which he will not only have the virtual, but the acknowledged control, and where he can have the youth of his own Denomination educated upon Religious principles. His Lordship has addressed a powerful letter to the Clergy and Laity of the Episcopalian Church, in which he calls upon all to make exertions, by Gifts, Donations, and otherwise, for the establishment of an Episcopalian University in the Province, and announces that he will immediately proceed to England to solicit aid in carrying out the enterprise." †

By the Census taken in 1848, the population of Upper Canada was found to be..	721,000
Members of the Church of England	171,751
Members of The Church of Rome	123,707
The Methodists Membership and adherents	90,363
Members of the Church of Scotland	67,900
Those who cannot profit by the New College, having denounced it as irreligious	453,721
Leaving to profit by such Institution, but who for the most part place little value on academical instruction	267,279

Even this will, in all probability, be found too much in favour of the Institution, for the Scottish Free Church, and Congregationalists disapprove of the principle of excluding Religion from Education, but have not yet declared themselves regarding this anti-Christian University.

Having thus deprived King's College of its Religious character, Royal Charter, and name, the Statute of 1849 proceeds, in the Thirty-second Section, to confiscate the whole of the magnificent Endowment of King's College, worth about £270,000, and invest it in the New Corporation; and this in defiance of the faith of the Crown, expressed in the words of three different Kings—George III, George IV, and William IV—and with as much recklessness as if there had been no such pledges, no vested rights, no co-operation, no moral turpitude, in a proceeding which strikes at the security of all property in the Colony and which has been declared by the highest legal authorities to be unconstitutional and revolutionary. The truth of which declaration is proved from the fact, that similar Institutions to that of King's College,

*This Address is printed on page 210 of the Eighth Volume of this Documentary History.

† See also pages 212-213 of the same Eighth Volume.

founded in the old British Colonies, have received from the ruling power ample protection, after the Countries, in which they were established, had become foreign to the British Crown. Thus the Colleges, founded by the Kings and Queens of England in the Colonies, now the United States, are still cherished and preserved, and the Endowments not only held sacred but largely increased.

Indeed, the leading features of the Statute are, *First*: Contempt for the wishes of the people: for it has been proved that almost two-thirds are virtually excluded. *Second*: Bitter hostility to Religion, and especially to the Church of England. *Third*: Disrespect to the expressed wishes of three Sovereigns, and hence to everything tending to the stability of the Crown. Moreover, the Statute of 1849 evinces throughout a suspicious jealousy of all Ministers, Ecclesiastics, and Teachers, and even prohibits the Crown from selecting them as Members of the Senate. Indeed, such an interdiction of everything Religious, as this Act seeks to establish, is without precedent among Christian Nations; for it drives away all those who, from their living faith, warmth of disposition, and sincerity of purpose, are best qualified to train the young to all that is lovely and sublime in Religion, pure in Morals, and noble in Science.

While the wishes and pledges of three British Monarchs are set at nought, more than two millions of acres are carefully preserved by the same Legislature for Educational and Charitable purposes, in Lower Canada, for the benefit of the French population, as if to show how far British feelings may be outraged and the wishes of Louis XIV held sacred. Thus, the several Colleges have their Endowments preserved, and are well supported and cherished; but the single Church of England College in Upper Canada is violently suppressed, and an irreligious University established in its room. Not that I desire the confiscation of one of these two millions of acres, or the suppression of one of these French Colleges, three, or four, in number; but surely, it is not too much for British hearts to expect, that the pledges of no fewer than three of their own Kings should meet with as much reverence at least as those of one foreign Prince. At present, the contrast is truly humiliating.

In fine, while the Roman Catholics, the Methodists, and the Church of Scotland have Colleges exclusively their own, the latter under a Royal Charter, with the power of conferring Degrees in Arts and Divinity, the National Church, [of England] with as many Members as two or three of the other Denominations put together, is deprived by this Act of her own College, and is driven to have recourse to a temporary Institution for training some of her young men to the University; otherwise her vacancies could not be supplied, or her light extended to the waste places of the Province. It is, in truth, an act which evidently seeks to crush the Church of England, and peril her existence in Upper Canada.

Such are some of the facts and considerations which induce me to endeavour, with Divine assistance, to establish a Church University in Upper Canada from sources of a private nature, with which the Legislature of the Colony can have no pretence to intermeddle.

I have, in the first place, appealed to my own Diocese of Toronto, and been responded to in a spirit which, considering the distress of my people and their narrow means, has called forth general admiration; upwards of Twenty-five Thousand pounds, (£25,000,) in Money and Lands, have already been subscribed, and something more may be expected. I have now come to England to supplicate further assistance, for much more is required to establish a University worthy of our Church and capable of supplying her increasing wants. I begin with the two Venerable Societies, the munificent Handmaids of our beloved Church, in the hope that my case, which is unhappily stronger than perhaps any that has ever been brought before them, may meet with favourable consideration.

At least two hundred thousand Members of the Church [of England] reside in Upper Canada; and, according to the present rapid increase of population, more than five times that number will inhabit that region in a comparatively short time. Indeed, Upper Canada appears destined to be the great seat of our Holy Church in British North America.

To found a University, therefore, in close and entire connection with the Church [of England], in order to educate our youth in her Religious principles, as well as in the Arts and Sciences, is a glorious work, and a work that ought not to be delayed; it is a work which will confer a blessing on all who take a share in it, and if wisely and firmly carried out, the results will be of inestimable value in time and through eternity.

Most respectfully do I submit this my Statement and supplication to the wise consideration of the Society for Promoting Christian Knowledge, to which my Diocese is already so much indebted.

JOHN TORONTO.

LONDON, May 9th, 1850.

II. Letter To the Members of the Church of England in England.

Under the pressure of what I feel to be a very great necessity, I have ceased, for a short time, from any pastoral labours in the Diocese of Toronto, and have come to England to appeal, (I hope not in vain), to the sympathy of the Members of the Church of England in the Mother Land, in behalf of their Brethren in Upper Canada.

When, in the year 1799, I made that distant portion of the British Empire my home, it contained not more than 20,000 inhabitants. Even in 1824, the population had only risen to 150,000 ; but since that period the increase has been astonishing, being now (in 1850) 800,000, or an increase of more than five-fold in twenty-six years, and, according to its present rapid rate of increase, so much accelerated by steam navigation, and by the circumstances which compel emigration from Great Britain and Ireland, there is no doubt that many who are now living will see its population far greater than that of Scotland.

Of its present inhabitants I may venture to say that 200,000, at least, are Members of the Church of England, and the greater part of them either emigrants from the United Kingdom, or the children of such emigrants. Hence the Diocese of Toronto, (at present embracing the whole of Upper Canada), promises to be the principal seat of Our Church in British North America.

The present policy of the Mother Country, whether it be wise, or unwise, is to confer upon her great Colonial Possessions almost uncontrolled powers of Government, so that their subordination to Imperial authority is, in fact, rather nominal than real. Being left to model their civil institutions as they please, their moral condition and social happiness are dependent on the chance of their forming a right judgment of their best interests. And this, where suffrage is almost universal, as in Upper Canada, leaves all dependent on the virtue and intelligence of the people.

For the education of the great mass of the people in the Common Schools, liberal provision has been made by the Legislature, under an Educational System which is conducted with ability and zeal* but, which, nevertheless, labours under the vital defect of excluding all doctrinal instruction in Religion, or, in other words, all practical teaching of Religious Truths.

To secure an adequate provision for education of that higher order, which is necessary to prepare youth for the liberal professions, and for the important duties of legislation, had been, for fifty years, the self imposed labour of my life.

In 1827, before which time the Province was scarcely qualified to receive it, we had the happiness to see in Upper Canada a University founded by Royal Charter, and liberally endowed by the Crown with a large grant of Land. So little exclusive was it in its character, that its advantages were open to all ; no tests were required from Professors or Students, with the exception of the Professors of Divinity, and of graduates in that Faculty.

But it was avowedly a College in connection with one National Church, and provisions was made in the Charter for ensuring unity and consistency in its discipline and government.

If it had been otherwise, the Charter would have been such as had never before been issued under the Great Seal of England for the foundation of a University, to be endowed by the Crown in any part of the British Dominions. Yet, because it was complained of as unreasonable and unjust that a University should be founded by the Sovereign in connection with the Established Church of the Empire, it was thought expedient to allow the Royal Charter to be so altered by a Colonial Statute as to leave no trace in it of a connection with the National Church.

This change was made in 1837 ; and, as was foreseen by many, it half accomplished the ruin of the University. For though, neither Religious Instruction, nor Divine Worship was excluded, and, though, in deference to the express wish of the Sovereign, King William the Fourth, a Professorship of Divinity, according to the doctrines of the Church of England, and the daily use of her admirable Liturgy were tolerated for a time, during which the University was flourishing and rapidly rising in public estimation and confidence, yet the Colonial Legislature having been once allowed to multilate the Royal Charter in 1837 has not stopped short in the work of destruction.

In the last Session of that Legislature, (1849,) an Act was passed which came into force on the first day of January, 1850, expressly excluding from the College Religious Instruction, according to any form of doctrine whatever ; prohibiting any form of Prayer, or any act of Public Worship, and disqualifying any Graduate of the University, who may have taken Holy Orders from having a voice in the Senate.

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* In 1841, at the first Session of the Legislature of United Canada an annual grant of Fifty Thousand pounds a year was set apart for the maintenance and support of Common Schools in the United Provinces of Upper and Lower Canada. And this was accomplished by the aid of the Honourable Isaac Buchanan, See page 160 of the Fourth Volume of this Documentary History.

The Administrator of the System of Common School Education, at the time that Bishop Strachan wrote this Appeal, in 1850, (and to whom he here refers,) was the Reverend Doctor Ryerson, who was appointed to office in September, 1844.

By this Measure, which I think I do not too harshly describe, when I speak of it as impious, the Munificent Gift of His Majesty, King George the Fourth, (a Gift the present value of which is estimated at £270,000, and which yields a revenue which is yearly increasing of about Eleven Thousand pounds, (£11,000), is at least worse than thrown away ; for, deprived of the respect and confidence of the sound and intelligent portion of the community to whatever Denomination of Christians they may belong, the University cannot flourish ; or, if by any exertion it can be sustained for a time, it must be at the sacrific of the highest and most sacred interests.

A deep conviction of this forces itself upon the mind of every religious man ; but the Members of the Church of England, utterly dispairing of, and rejecting, as they do, what was once King's College but is now the Anti-Christian "University of Toronto," do not yet despair of their Church, or of their cause. Relying on the Blessing of God, and using their own best exertions, they hope soon to succeed in establishing a University strictly, and unreservedly, in connection with their Church ; a University, not confining itself to instruction in human Science, but a University of which the Religious character shall be known and acknowledged, in which the doctrines of the Church of England shall be taught in their integrity, and in which her pure and "reasonable service" shall elevate and sanctify the labours of the Teacher and the scholar.

We hope to succeed in establishing, for ourselves, without pecuniary and from any public source, a University clearly and avowedly in connection with our Church, receiving only from our Gracious Sovereign what other Religious Denominations in our Province have received, a Charter of Incorporation, providing for the Government of the Institution, and conferring on it the privilege of granting Degrees.

I am labouring, at an advanced age, [of 72,] to lay the foundation of a work, which I believe will, at no distant day, be of inestimable value to that rising Country. The efforts which I made in the Province just before my departure, have been nobly seconded. Within a few weeks, the contributions in Money and Land have amounted to more than Twenty-five Thousand pounds, (£25,000.) Yet this effort, astonishing as it is, considering the state of the contributors struggling for subsistence in the wilderness,—far from the land of their fathers,—is scarcely sufficient to erect the necessary Buildings. But does it not constitute a claim, all but irresistable, upon the Members of the Church [of England] in this Country to supply the deficiency as to Endowment ? Hence, having done our utmost, my people, as well as myself, felt ourselves justified in relying with filial confidence upon the enlightened patriotism, the Religious zeal, the generous sympathy of our Brethren at home, for enabling us to establish, in this populous and important Colony, upon a sound foundation, and on a liberal scale, a Seat of Learning, with which political agitations shall have no pretence to meddle, and which will assuredly prove an invaluable blessing to the Country, and to many thousands in it, who were formerly inhabitants of the United Kingdom ; and not a blessing to those only, who belong to the Church of England, but to all who may desire to avail themselves of the means of education which such an Institution will offer.

I trust God will put it into the hearts of those of our fellow Churchman in this Country, to whom he has entrusted wealth, to give to us liberally of their abundance ; and that those who can only, by the exercise of a prudent economy, have anything to spare, may still spare us a little ; for what we have undertaken can only be accomplished on an adquate scale, by the co-operation of the many.

It is not long since an English Gentleman, Mr. James Smithson, bequeathed a princely sum of money for the promotion of science, by means of an Institution to be founded in the capital of the United States of America—now called the "Smithsonian Institution," Washington, to which Country I am not aware that he was bound by any particular tie. If, happily, some other English Gentleman of equal means and equal philanthrophy should so far combine patriotism with benevolence, as to make Upper Canada the recipient of as large a bounty, he would be laying the foundation of infinite good to a Country rapidly rising into importance, and would be doing more than it seems can be done, in the present times by legislature and governments for the best interests of the people.

LONDON, 12th June, 1850. JOHN TORONTO.

III. STATEMENT OF ENGLISH CHURCH MEMBERS, IN RESPONSE TO THE FOREGOING APPEAL OF BISHOP STRACHAN.

(NOTE. This Statement is inserted as part of the history of the Case, and also on account of the historical references which it contains.)

The undersigned Noblemen and Gentlemen, having heard from the Bishop of Toronto [the following] Statement, feel deeply impressed with the justice and importance of his Appeal, and

urgently recommend the same to the Christian Sympathy of the Members of the Church of England in the Mother Country.

Nelson	Thomas Robinson D. D.	Robert Montgomery.
Lyttelton	John Russell D. D.	Earnest Hawkins, B. D.
Seaton, (Sir John Colborne)	W. Cotton	J. S. M. Anderson.
W. E. Gladstone	J. H. Turner	T. Hartwell Horne, B. D.
Sidney Herbert	G. R. Gleig	Henry Mackenzie.

Historical, Statistical and Financial Statements by the Bishop of Toronto.

The Diocese of Toronto contains 800,000 inhabitants, of whom upwards of 200,000 are Members of the Church of England.

This Diocese may reasonably be expected to prove the stronghold and principal seat of the Church [of England] in British North America.

In 1827, an University was founded by Royal Charter, and liberally endowed in 1828 with property now realizing about £11,000 per annum. It was open to all ; no tests were required from Professors, or Students, with the exception of the College Council, or Governing Body, the Professor of Divinity and Students in that Faculty. It was thus connected with the National Church, though not excluding any Members of other Religious Communities from the educational benefits it afforded. And though, in 1837, some alterations were made in the Charter by the Colonial Legislature, with the consent of the Crown, yet, as these did not trench upon the religious character of the University, the Institution proceeded on its course of usefulness, with the full confidence of the public.

But in, 1849, the Legislature of the Colony of Upper Canada passed an Act, which came into force on the 1st January, 1850, excluding from the University all Religious Instruction, according to any form of doctrine ; prohibiting any form of Prayer, and every act of Public Worship ; and disqualifying any graduate in Holy Orders from admission into the Senate.

The Members of the Church in Upper Canada, thus deprived of an University with which they could in any sense, as Religious men, co-operate, feel that it is their duty to sacrifice Endowment rather than Principle ; and, that it is impossible for them, great as the sacrifice is, to hold connection with an Institution now essentially anti-Christian, though originally bearing the honoured name of the Sovereign of this Empire, and established for Religious purposes. They are desirous, therefore, of establishing an University in direct connection with the Church, [of England in Upper Canada], without pecuniary aid from Public sources, which repudiate the principles of Christianity as the basis of education.

For this purpose the Members of the Church [of England] in Upper Canada have already contributed, within the Province, no less an amount than Twenty-five Thousand pounds, (£25,000) ; but, as this sum will barely suffice to erect the necessary Buildings, an equal sum, at least, will be required to form an Endowment for a Church University for Upper Canada.

The Undersigned add to this Statement the following words of Commendation :—

The aged Bishop of the Diocese of Toronto having to begin anew the work which has occupied half a century of his life, has come to England to obtain assistance from his Brethren in the faith, and is especially desirous of enlisting in his cause the Universities, the great Church [of England] Societies, the Clergy, and all who desire to extend the Church [of England] in her purity, and to promote her prosperity and usefulness among her Colonial Children.

London, June 19th, 1850.

Henry Mackenzie, M. A.
Simon J. G. Fraser, B. A. } Honorary Secretaries

IV. Interview of Doctor Strachan with the Colonial Secretary in Regard to the Charter for Trinity College.

Doctor Strachan's report of his interview in London with Earl Grey, the Colonial Secretary, which I have copied from the *Cobourg Star* of the 18th of December, 1850, is as follows :—

In regard to my interview with the Colonial Department, I have no reason to complain, for I was treated with all the politeness and consideration, that I could expect.

I had left my name at the Office in Downing Street, on the fourth of May, 1850, and had the honour of dining with Earl Grey on the Queen's Birthday. His Lordship received me with becoming courtesy, and introduced me to the Duke of Wellington, and to other guests.

On the 17th of May, 1850, I addressed a note to his Lordship, stating my object in coming to England, and that I was the Bearer of a petition to the Queen, signed by more than eleven thousand members of our Church in Canada, which I was anxious to present at his Lordship's convenience. Next day, I received a note, expressing regret, that Lord Grey was obliged to go out of Town, but that he would be happy to receive me on his return.

The interview took place on the 29th of May, 1850, and my requests were severally discussed in an amicable manner, and the results embodied in Earl Grey's Letter to me of the 13th June *

As respects the granting a Charter, Her Majesty's Government, I was informed, were always disposed to regard favourably, proposals, which are made for extending and improving the means of Education in the British Colonies, and more especially where those proposals do not involve the necessity of a grant of Public Money; and readiness was expressed to consider, with the utmost attention, the suggestions offered for the incorporation of a new University in Upper Canada, whenever a Draft of the Charter, which may be deemed adequate to the purpose, was received. But that, until the Secretary of State was in possession of such Draft, it was obvious, that he was not in a position to form any judgment upon the propriety of recommending Her Majesty to give Her consent to the desired Measure ;—but, it was added, that the Secretary of State should feel it to be his duty to communicate with the Provincial Government on a matter of such importance, before committing Her Majesty's Government to any settled course of action.

Now, with the exception of the proposed reference to the Provincial Government, all appeared, fair and respectful, and no indication was given of any disposition to withhold the Charter, on the part of the Secretary of State. Even the reference itself, as far as I could gather, proceeded from no hostile spirit, but was grounded upon what was thought a precedent.

In the case of the Queen's College ; I was told that a Charter had been first obtained in the Colony, and then the House Government had nothing more to do than to comply with wishes already expressed and acted upon by the Provincial authorities, and I was left to infer, that had I brought a like Document, there would have been no difficulty, but, not having done so, it became necessary, so as to prevent any misunderstanding, to proceed in the same way. It may be, that the Secretary of State did not dream of any opposition from the Colony, and considered the effect of the reference nothing more, than a little delay ; I thought differently, and considered such reference to the present Colonial authorities tantamount to a refusal. Had, indeed, the Colonial Government shewed the same friendly feeling towards the Church of England as the Government of the day, did to that of Scotland, when the Charter was granted to Queen's College, there would have been no fear. Be this as it may, the reference to those who had done us so great injury and created all our difficulties, appeared to me, as it did to others, a cruel mockery.

On the 10th of June, 1850, I had waited on Sir Robert Peel, to request his influence in promoting my objects, and after reading the Canadian Act destroying King's College, and establishing with its endowment a College, from which Religious Worship was virtually excluded, he pronounced himself strongly against such a proceeding, which could never have taken place in England. When this new difficulty occurred, I again sought an interview with that eminent Statesman who kindly promised to speak to Mr. Benjamin Hawes, [Under Colonial Secretary], or Earl Grey, whom he considered very honourable men and not likely to do anything unreasonable, or unjust ; nor did he think, that, on consideration, the reference would be persisted in.

" But should the Charter be delayed," (he said) " what is your intention ? " I said " the College would commence as soon as I return to Canada, whether we received a Royal Charter, or not." " You are right " (he replied) " the Church must do her duty ! " " your case," (he continued) "is very aggravated, and perhaps it would be better to go at once to Lord John Russell, who would, I believe, do what is right. This however, may be considered by you, should the Colonial Office fail you."

As respects the Petition to the Queen presented to Earl Grey on the 29th of May, 1850, the following extract from Lord Grey's Letter, already quoted, of the 13th of June, gives the necessary information . . .†

V. Doctor Strachan's Report of his Visit to England to obtain Funds for the New Church University in Toronto.

The following is Doctor Strachan's official Report, to the Members of his Church, of the result of his Visit to England to obtain additional Funds, for the establishment, in Toronto, of a Church of England University. To it I have

*See pages 97, 98 of this Chapter.

†A copy of this Letter is given on pages 97, 98 of this Chapter.

appended his financial Statement, as laid before the Provisional Board of Trustees of the new University of Trinity College :—

In my Pastoral Letter of the Seventh of February last, I mentioned my intention to proceed to England, to urge the prayer of our Petition to the Queen, and, if found judicious, to both Houses of the Imperial Parliament. Above all to bring the facts of our case before the notice of the Members of the Church [of England] in our Father land . . . in the hope that they would . . . enable us, by their offerings, in addition to our own, to found a new College under a holier and better form ;—nor have I been disappointed in these expectations.

On the tenth of April, 1850, I left Toronto. On reaching New York, I was much visited by the Clergy and Laity there, and gratified to find that the destruction of King's College, and the establishment of an Institution, from which all Christian Worship is excluded, met the strongest condemnation from all the Members of our Sister Church, and the pious of other Denominations . . . Indeed, so . . . great the interest manifested in our favour, that liberal contributions might have been obtained to assist in accomplishing our object, had it been then desirable to do so.*

We sailed from New York . . . on the Seventeenth of April, and arrived in Liverpool on the Twenty-ninth, of the month . . . †

On the 18th June, 1850, I enclosed a Draft of the proposed Charter to the Secretary of State for the Colonies, which is merely a transcript of that of King's College, or of Queen's College, now in successful operation at Kingston, with such alterations only as might separate the Institution it seeks to establish from any political influence whatever, and enable it to proceed in its work of Religious and Scientific instruction in security and peace. I offered, at the same time, some reasons to induce Lord Grey, the Colonial Secretary, to relinquish any reference [in regard to that Charter] to the Provincial Government, which had shewn itself so hostile to the interest of the Church [of England there] I respectfully submitted, that the avowed object of the Party [in Canada], which had destroyed King's College, was to have only one University, and to affiliate with it all existing Colleges, or Seminaries, in the Province,‡ and although this object has signally failed,—yet, while the desire existed, we could not look for any favourable result from such reference. I likewise brought under consideration the hardship and great evil of delay,— that the Members of the Church [of England in Upper Canada] supplied a greater number of Students for Collegiate instruction than any other Religious Denomination, and, that the refusal of a Charter was nothing less than intolerance and proscription ; that we were only asking what had been already granted to others, [—the Promoters of Queen's College, Kingston—] and could not be withheld from us without manifest injustice. The question of granting, or not granting, to the Church [of England in Canada] a Royal Charter for a University, in which to educate her youth for the sacred work of her Ministry, and the other liberal professions, having been thus referred to the Provincial Government, nothing remained but for me to express my regret at the course adopted, and to hope against hope, that our opponents would be content with the evil they had already done the Church of England and her Members, [in Upper Canada] and would not add to the further iniquity of refusing their assent to a measure so reasonable and just, now that the responsibility was thrown wholly on themselves . . .

On Saturday, the 19th of October, I sailed from Liverpool, and on Saturday, morning, the 2nd of November, I was in Toronto . . .

The result of my labours, on leaving England, as already frequently stated, is in money and bonds, nearly Sixteen Thousand pounds, (£16,000,) Halifax currency ; the collections are however still proceeding . . .

As respects the Church University, although commenced in one Faculty, little can be said, because its provisional organization is not yet complete. When the necessary Buildings are finished, it will be conducted on the system of a well regulated Christian Household,—all Students will be resident, except it should, at any time seem fit to the Visitors and [College] Council to give dispensations, for special reasons, to some of the Students living with their parents in the City, or near vicinity, subject, nevertheless, to strict attendance at Chapel, and to all the Rules of Discipline.

Our first and great object will ever be to produce young men of moral worth and sound learning,—men who will in after life, do honour to their professions, and bless the Society in which they move.

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* Subsequently, in 1852, Archdeacon Bethune, (afterwards Bishop,) was appointed to collect Funds in the United States, as was also Archdeacon McMurray of Niagara commissioned, in 1852, 3, to collect subscriptions for the New Church University in the United States.

† I have here omitted several portions of this Report, only giving the merely personal Narrative.

‡ This Question was again raised in regard to the University of Toronto in 1901, and in regard to which I pointed out in letters to the two leading newspapers in Toronto that such an interpretation of the terms of the Imperial Grant of Lands, for educational purposes in 1797, was historically incorrect. The Legislature asked for an Imperial grant of Lands for Grammar Schools and "a College, or University;" the Imperial Grant, however, was made for Grammar Schools and "other Seminaries of a larger and more comprehensive nature."

In regard to emolument, the Church University can offer no temptations, for, though our friends, have done much and well, yet the work is great, and events, over which we had no control, have made us comparatively poor. The desire of gain cannot, therefore, become the motive of any aspirant to office among us, or, if it should, disappointment must follow.

The government will be in the Bishop, or rather Bishops, so soon as the Diocese is divided, (an event not distant);* assisted by a competent Council, which Council must, of necessity, be provisional, until the Institution is ready to commence the business of instruction. Appointments to Professorships and other offices, can never with us create any other difficulty than that of selecting the most able and efficient candidate,—for the salaries will be so moderate, that none will apply for appointment except those whose hearts are directed to the furtherance of the far higher objects which the Church University will have constantly in view.

The Church University will be managed with the strictest economy, in order that its advantages may come within the reach of families of moderate, and even narrow, incomes, hence we expect that the sons of Clergymen, half-pay Officers, and Merchants, respectable farmers, and tradesmen, will flock to our Halls, and, under our instruction and guidance, qualify themselves for every station in the Church and State. With such views and principles, we shall proceed in the even tenor of our way, neither turning to the right nor to the left, but so proceeding as to preserve "a conscience void of offence towards God and towards man". We shall be kindly disposed towards all kindred Colleges and Seats of Learning, who fear God, and maintain Religious Worships within their walls,—the only rivalship we shall tolerate, will be an earnest striving for superiority in religious, moral, and secular knowledge, and provoking one another to love and good works. . . .

Since the passing of the Act of 1849, by which King's College is considered to be annihilated, two or three things have occured which deserve notice, because they seem to give some obscure indications of a gradual return to a better spirit.

First, we have what is called the explanatory Act of the last Session [of Parliament of 1850] which, in truth, gives no explanations at all, but in a few silly and impotent clauses, ludicrously marshals certain vague intentions, in the teeth of positive enactments which it leaves unrepealed.† We are, nevertheless, willing to receive even this feeble attempt towards what is right, as a tardy confession of error, while we lament that the Framer should have halted on the threshold of repentance, and not have proceeded boldly to correct all that had been done wrong. The correction was easy, and still in time,—if enamoured of an affiliating [University], why not adopt a Scheme like that of the London [University], with such slight modifications as might accommodate it to the state of the Colony.

In London, a University has been established by Royal Charter for conferring Degrees, and for no other purpose whatever. It consists of a Visitor-Chancellor, Vice-Chancellor and Senate, with a body of Examiners, selected from the most eminent scholars of the different faculties. To this University all the Collegiate Institutions for education, in the United Kingdom and the Colonies, corporate, or unincorporated, are affiliated, or, on application, may be affiliated. This affiliation entitles such Colleges and Institutions to send up their Students who have passed through their respective prescribed courses of study to the University, with certificates of proficiency, and to request examinations for a Degree. . . .

If, instead, of the foolish Act of last Session, a Measure had been passed on the model of the London University, and then sent home to be converted into a Royal Charter, that its Degrees might extend through all the Dominions of the Crown, and not be confined to the Province, as are these conferred by the Toronto University, a substantial good would have been effected. In such case Queen's College, Victoria College, Knox's College, Regiopolis College, etcetera, on being affiliated could send up their students with certificates of proficiency, for Degrees, and, if such proficiency was confirmed by examination, the Degrees, requested would, as a matter of course, be conferred.

Second A Bill was introduced during the last Session of the Provincial Parliament, by the Bishop of Toronto's friends, for the purpose of acquiring Corporate powers to receive the donations given, and to be given for the establishment of the Church University.‡ Now, although this measure was not passed, from the lateness of the Session, we are thankful for the general favour which it met with. . . .

Third. We are also grateful to the Senate of Toronto University, for lately permitting the Evidences of the Christian Religion, to be noticed in the Lectures of the Moral Philosophy. These things, though, perhaps, in themselves of little moment, are, nevertheless, of great value, as indications of a gradual return to a better spirit.

Only one point more remains to be disposed of.

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* Bishop Strachan planned a division of his Diocese as early in 18 . His plan has not as yet been fully carried out.

† A copy of this Act is printed on pages 49—52 of this Volume.

‡ See page 18 of this Volume.

Some of our friends are filled with grief, and others with indignation, on being constantly taunted by our opponents with the fact, that, if it was wrong to destroy King's College and establish an infidel Institution in its stead, it was a Churchman that did it, and that he has still some Members of the Church of England among his abettors. Now, as we cannot deny this melancholy fact, we must be content to bear the opprobrium, and I, therefore, entreat the faithful children of our Church to do so with patience, and without any feelings of personal resentment. We have only to reflect that such contradictions have happened in the Church of God from the beginning,—there was an Adversary among the Apostles, and St. Paul had his Alexander the Coppersmith. . . .

Toronto, 10th Demember, 1850. John Toronto

VI. Proceedings of the Provisional Church University Board of Trustees, 1850.

At a Meeting of the Provisional Church University Board held at the Church Society's House, Toronto, on the 21st of December, 1850, the following financial Statement was made:—

There was shown that subscriptions had been made in Upper Canada in Land of the estimated value of	£ 7,562	15	0
In money to the amount of	16,708	2	6
Acres not valued, 3,391, but taking them a the usual estimation of One pound per acre	3,391	0	0
Then value would be Two Town Lots, not value by the donors, but assumed to worth	50	0	0
	£27,711	17	6
In addition to this Fund, Donations have been made by the friends of our undertaking in England, to the amount of Ten Thousand pounds sterling or in Halifax currency to about	12,444	0	0
The Venerable Society for the propagation of the Gospel, has also given a valuable piece of Land within the City of Toronto. Its value is estimated at	3,000	0	0
Total	£43,155	17	6

Doctor Strachan, at that meeting, reported that :—

"For all my own personal expenses, from the time of my departure from Canada to my return, I have cheerfully defrayed from my private means." . . .

While I was in England (he also said) I made an application to Earl Grey, Her Majesty's Secretary of State for the Colonies, for a Charter for the government of the proposed College, and, being requested to furnish the form, or heads of such a Charter, as I thought desirable, I framed a Draft, which I now lay a copy of before you.

It was prepared by me chiefly from the original Charter of King's College, as granted by the Crown in 1827, and from the system adopted in regard to Bishop's College, established at Lennoxville, in Lower Canada, through the exertions of the present Bishop of Quebec. You will be glad, I think, to learn that a Site has been procured in Toronto for our University such as seems to combine many advantages I have agreed to the purchase of Twenty acres of Land very eligibly situated.

At a further Meeting of the Church University Board called by order of the Bishop.,

The following Resolution was moved by Mr. E. G. O'Brien, seconded by Mr. Lewis Moffat, and having been put to the Meeting by the Secretary was unanimously carried:—

Whereas, the Provision made for sound Religious and General Education, under the care and guidance of the Church [of England in Canada], of the original Charter, granted by King George the Fourth, to the late University of King's College, and obtained chiefly through the exertions of our beloved Diocesan, then Archdeacon of York, has been wholly diverted to mere secular purposes ; and the character of the University [of King's College] so entirely changed by unwise legislation, from time to time, as to result in the prohibition, by the Parliamentary Statute [of 1849] of all Public Worship and Religious Instruction within its walls, it has, therefore, become imperatively necessary to establish some seat of learning in the Province, in which, on the basis of Religious Knowledge, and under the sanctifying influences of Religious Observances, the sons of Churchmen, as well as the youth generally of the Province, may attain that instruction in the various branches of Art and science necessary to qualify them for discharging their duties in Church and State.

And whereas, . . . the Bishop of Toronto, has again, by his individual exertions, brought such a School of Learning into that state of maturity as to give sure prospect of its being shortly put into operation, and now requiring the aid of a Provisional Council for its management :

Be it resolved, that the thanks of the Churchmen generally throughout the Province are justly due to [the Bishop] for these exertions, and that this Board do, thererore, for themselves, most respectfully tender the same to his Lordship. And be it further,

Resolved, That, before proceeding to the appointment of Members to form part of the Provisional Council, . . . this Board records its sense of the large pecuniary aid which [the Bishop] has given, by taking upon himself, and defraying out of his private means, not only heavy preliminary expenses incurred in this Province, but also, and, in addition thereto, those expenses necessarily attendant on an expensive and lengthened visit to Great Britain, the payment of which by his Lordship should be considered as a donation to the Institution, in addition to his other liberal subscriptions made thereto. . . .

6. Summary Sketch of Doctor Strachan as the Founder of Two Universities in Toronto

The Reverend Doctor Henry Scadding, formerly First Classical Master of Upper Canada College, in his "First Bishop of Toronto, a Review and a Study," thus sketches the career of Doctor Strachan, as the original founder of King's College in 1827-1842, and his later efforts to establish, a purely Church of England University in Toronto, under the name of Trinity College, in 1850. He says :—

In 1850, the great Educational Institution, called into visible being, through the instrumentality of Doctor Strachan, underwent the final change which the public policy of the modern empire of Great Britain rendered inevitable. King's College was converted into the University of Toronto, and became an Institution accommodated, in the only practicable way, to the educational wants of a community like that of Western Canada.

The last semblance of connection between the provincial University and the Anglican Church, as such, having been thus removed, Bishop Strachan conceived the bold idea of establishing a new University, in relation to which there should be no question in the future as to the supremacy of the Anglican Church within its walls.

"An old man broken with the storms of state" was not to be said of him. He had now indeed passed considerably beyond the normal three score years and ten ; but his strength of will and vigour of mind and body were unabated. The blade was metal to the back.

After a stirring appeal to the laity of his own Diocese, responded to by gifts and promises of money, or Lands, to the amount of Thirty Thousand pounds ($120,000), he embarked for England, and laid his case before the two great Religious Societies there,—before the Universities of Oxford and Cambridge, before many of the Bishops and Clergy and those members of the laity that are wont to interest themselves in matters connected with "Church-Education." He at the same time made an application, through the Colonial Secretary, Lord Grey, for a Royal Charter for the proposed Institution.

He left Toronto in April, 1850. He is home again in the following November. The immediate "yield" of the excursion to England was about Sixteen Thousand pounds sterling, ($80,000) ; and "had I been able" the Bishop himself declared, in a speech, shortly after his return,—"had I been able to remain six or eight months longer in England, to preach and hold Meetings in the large Towns, I verily believe that I should have realized more than double the amount received.

On the 17th of March, 1851, the excavations for the foundation of the new Institution began. On the 30th of April, its corner stone was laid. On the 15th of January, 1852, the Building was sufficiently completed to be occupied. On that day, the Institution was opened. It bore the name of Trinity College. A Provost and two Professors, (the Reverend Messieurs George Whitaker, E. St. John Parry and G. C. Irving,) Members of the English Universities, had arrived to mould and inaugurate a system of instruction. In 1853, a Royal Charter was issued, incorporating the College, and declaring that it "shall be deemed and taken to be a University ; and shall have and enjoy all such and the like privileges as are enjoyed by Our Universities of Our United Kingdom of Great Britain & Ireland, as far as the same are capable of being had, or enjoyed, by virtue of these Our Letters Patent."

The Anglican communion in Western Canada was thus, through the persistent energy of its resolute Bishop, Doctor Strachan, put in possession of an Institution for the training of its Clergy and for the higher education of its members . . . The Institution was endowed by the

joint offerings of individuals and corporations in the Mother Country and in Canada. Contributions to the same object flowing in from the sister Church in the United States, at the instance of (the Reverend William McMurray) a Canadian presbyter, thither despatched, whose advocacy of the new College in that Country, as subsequently in England also, elicited considerable sums of money for the augmentation of its funds . . . Thus, the results of the life of the first Anglican Bishop of Toronto are tangible realities . . . "Twins of Learning" witness for him; he founded two Universities in succession—1842, and 1852—both invested with the character borne by such. Institutions as originally instituted, by Royal Charter—procured in both instances by his own personal efforts . . .

CHAPTER VII.

REORGANIZATION OF KING'S COLLEGE AS THE UNIVERSITY OF TORONTO, 1850.

The Provincial Statute of 1849, converting King's College into the University of Toronto, took effect on the first of January, 1850. Some time elapsed before the necessary changes in the management of the Institution were effected, and the official appointments, authorized by that Statute, were made. These appointments, both in regard to the new University and the Upper Canada College, included (1), The Senate; (2), The Caput, or Council, of the University; (3), The University Visitation Commission; (4), The Endowment Board of the University and Upper Canada College; (5), The Upper Canada College Council.

I. The First Senate of the University of Toronto, 1850. (Section XVII.)

The Honourable Peter Boyle de Blacquiere;
The Honourable Christopher Widmer, M.D.;
The Honourable John Hillyard Cameron, Q.C., M.P.P.;
The Honourable Henry Sherwood, Q.C., M.P.P.;
The Reverend John McCaul, LL.D.;
Skeffington Connor, Esquire, LL.D.;
The Reverend James Beaven, D.D;
The Reverend Robert Murray, M.A.;
Henry Holmes Croft, Esquire;
Larratt W. Smith, Esquire, B.C.L.;
William C. Gwynne, Esquire, M.B.;
John King, Esquire, M.D.;
William R. Beaumont, Esquire, F.R.C.S.;
George Herrick, Esquire, M.D.;
William B. Nicol, Esquire, M.D.;
Lucius O'Brien, Esquire, M.D.;
John James Hayes, Esquire, M.D.;
Joseph Curran Morrison, Esquire, M.P.P.;
David Buchan, Esquire;
John Roaf, Junior, Esquire, M.A.
John Cameron, Esquire;
Oliver Springer, Esquire, B.A.;
William Proudfoot, Esquire;
James Hallinan, Esquire;
John McMurrich, Esquire.

II. The Caput, or Council, of the University, 1850. (Section XIV.)

The Reverend John McCaul, LL.D.;
The Reverend James Beaven, D.D.;
Skeffington Connor, Esquire, LL.D.;
William B. Nicol, Esquire, M.D.;
George Crookshank, Esquire, M.A.

III. The University Visitation Commission, 1850. (Section XLVII.)

The University Act of 1849, empowered the Government to appoint Commissioners to report "a code of proper Statutes, Rules and Ordinances for the Government of the University."

The following gentlemen were appointed Commissioners for this purpose:—

The Honourable William Hume Blake, Chancellor of Upper Canada.
The Honourable John Hillyard Cameron, Q.C., M.P.P.;
John Wilson, Esquire, M.P.P.;
David Buchan, Esquire.
James H. Richardson, Esquire, M.D.;

The following were the powers conferred, by the Statute of 1849 upon this Commission:

First.—It was to form the first Code of Statutes, Rules and Ordinances for the regulation of the University.

Second.—It was to regulate the Duties and Salaries of Professors and others employed in the University.

Third.—It was empowered, at the discretion of its Members, to provide a Rule for the payment of the losses which Professors may allege that they, (in the language of the Statute), "have sustained, or may sustain, from expectations not having been realized." Or in other words, it was to "Provide Pensions," or a bonus, for "the reasonable satisfaction of such Professors as may have been disappointed in their expectations, and the assurances held out to them."

IV. The Endowment Board of the University and of Upper Canada College, 1850.

The following gentlemen constituted this Board:—

The Honourable Francis Hincks, M P.P., Chairman.
John James Hayes, Esquire, M.D., Representing the University.
George Percival Ridout, Esquire, Representing the University.
The Honourable John Hillyard Cameron, M.P.P., Representing Upper Canada College.
Joseph Curran Morrison, Esquire, M.P.P, Representing Upper Canada College.
Henry Boys, Esquire, M.D., Bursar. Skeffington Connor, Esquire, LL.D., Solicitor.

V. The Upper Canada College, or Royal Grammar School, Council, 1850.

Frederick William Barron, Esquire, M.A., Principal, and President of the Council,
The Honourable John Hillyard Cameron, Q.C., M.P.P.;
Joseph Curran Morrison, Esquire, M.P.P.;
Thomas Ewart, Esquire;
James Henry Richardson, Esquire, M.D.

VI. Election of Chancellor and other Officers of the University of Toronto.

The Twentieth Section of the University Act of 1849 declared that certain Graduates and Officers of the University of Toronto should form its Convocation; and that Body should at stated times, fixed by the Statute, elect a Chancellor, Vice Chancellor and Pro-Vice Chancellor. Previous to the Election of those Officers the following preliminary Correspondence took place:

1. LETTER FROM MR. GEORGE CROOKSHANK TO THE HONOURABLE CHIEF JUSTICE MACAULAY.

There will be on the 23rd instant, as you are aware, a Meeting of the Convocation of the University of Toronto, for the purpose of selecting a Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, and a Member of the Caput. I have heard several mention your name as being about to be brought forward for the office of Chancellor, and as I have reason to suppose you would accept the office, I take liberty of writing to ask, what would be your determination, as in case of your refusal, it would save us much delay and some trouble at a future election, if I could speak positively on the subject. I have, therefore, to request permission to make use of your answer on occasion of your name being brought forward.

Toronto, 21st March, 1850. George Crookshank, Junior.

2. CHIEF JUSTICE MACAULAY S REPLY TO THE FOREGOING LETTER.

You have my permission to state, that I should decline becoming a candidate for, or accepting, the Office of Chancellor of the University I hope no mention will be made of my name on this occasion.

Toronto, 21st of March, 1850. J. B. Macaulay.

3. ELECTION OF CHIEF JUSTICE MACAULAY AS CHANCELLOR OF THE UNIVERSITY.

I have the honour to inform you, that an open meeting of Convocation of the University of Toronto, held at Upper Canada College, on Saturday, the 23rd day of March, instant, you were elected by that meeting to fill the office of Chancellor of the University.

Toronto 25th March, 1850. Larratt W. Smith, Pro-Vice Chancellor.

4. EXPLANATORY LETTER TO THE PRO-VICE-CHANCELLOR FROM CHIEF JUSTICE MACAULAY.

I have the honour to acknowledge your Letter of yesterday, apprising me at a Meeting of Convocation, held on Saturday last, I was elected to fill the Office of Chancellor of the University of Toronto, and in reply beg to return my warmest thanks to the Convocation for the high and unexpected honour conferred upon me, although I very much regret to add that circumstance prevent my acceptance. At the same time I cannot too strongly express my deep sense of the flattering compliment and my grateful obligations to those by whom it was bestowed.

I should here close, did not a letter addressed by me to Mr. George Crookshank, Junior, (member of the Caput) at his request, require some explanation.* That Letter was written in reply to a note from him (whereof a copy is herewith transmitted), and such note was written in consequence of a personal interview sought by him the previous evening. I took his object to be to invite me to decline the office, in order to exempt himself and friends from any embarrassment which they might otherwise experience in the course they wish to take, and I readily acceded to his wishes in the hope of effectually preventing my name being brought forward ; but I most certainly did not contemplate any unfair advantage being taken of it. From the manner, however, in which my answer was used, I consider myself unhandsomely dealt with, because it was calculated to expose me unjustly to the suspicion of participating in the surprise attempted upon those who kindly made me the object of their preference,—whereas, I had no idea that anything unbecoming either of us was meditated. I received no intimation, directly or indirectly, from those who did me the honour to elect me till after it was over.

Touching the ground on which a minority of the Convocation voted against me, I shall be silent.

The primary considerations that induce me to decline the Chancellor's Chair are,—doubts how far it is expedient that a Judge, while on the Bench, should become an object of popular election by a Body which, in the nature of things, will partake more or less of a political, or party, character—the incompatibility in some measure of the two offices—and a consciousness that my judicial duties require all my time and attention, without being distracted with the weighty and important obligations that in my impressions of the office, belong to the Chancellor of the University.

TORONTO, 26th March, 1850. J. B. MACAULAY.

5. LETTER TO THE SECRETARY OF THE VISITATION COMMISSIONERS.

I have the honour to request that you will inform the Visitation Commissioners that I have this day received a communication from the Honourable Chief Justice Macaulay, in which he regrets that circumstances prevent his acceptance of the office of Chancellor of the University of Toronto.

TORONTO, 27th March, 1850. LARRATT W. SMITH, Pro-Vice Chancellor.

6. LETTER FROM THE PRO-VICE CHANCELLOR TO CHIEF JUSTICE MACAULAY.

I have the honour to enclose you an authenticated list of the Votes taken in your Election for the Office of Chancellor of this University, which I have received from Reverend Doctor Beaven, Senior Proctor, Yeas 12 ; Nays 11.

TORONTO, 27th March, 1850. LARRATT W. SMITH, Pro-Vice Chancellor.

7. LETTER FROM CHIEF JUSTICE MACAULAY TO THE PRO-VICE CHANCELLOR.

After closing my letter to you of the 26th, I was favored with yours of the 27th March. last, and a list of the yeas and nays, for which I have to thank you.

I did not think it necessary to mention it, but, of course, it is my desire that my letter should be forthwith laid before all the Professors, and when opportunity offers, before the Convocation. Will you be good enough to acknowledge it receipt.

TORONTO, 2nd April, 1850. J. B. MACAULAY.

8. PRO-VICE CHANCELLOR'S REPLY TO THE FOREGOING LETTER.

I have the honour to acknowledge the receipt of your note of to-day's date. In compliance therewith, I beg to acknowledge the receipt of your Communication of the 20th ultimo, to Mr. George Crookshank Junior, in which you regret that circumstances prevent your acceptance of the office of Chancellor of this University, covering copies of Correspondence between yourself and Mr. George Crookshank.

On the 27th ultimo, I briefly communicated to the Members of the Visitation Committee, through their Secretary, the fact of your having declined the office of Chancellor, intending to lay before the first Meeting of our Convocation your Letter and Enclosures on the subject. I fear that it will be a difficult matter to lay your Letter before the Professors, unless I have copies made for them, as I am not aware that they are ever assembled together, unless in the Senate, or as Members of Convocation. If you consider that it will be sufficient to lay it before them in Convocation I will reserve it for that occasion, affording them, meanwhile, every opportunity of perusing it at my Office, or at the University Office. Should you, however, desire copies to be furnished them at once, upon your intimating to me such desire, your wishes shall be carried into effect.

TORONTO, 2nd April, 1850. LARRATT W. SMITH, Pro-Vice Chancellor.

* Printed on page 119.

9. REPLY OF CHIEF JUSTICE MACAULAY TO THE FOREGOING LETTER.

In reply to your letter of the 2nd instant, I beg to say that you opened the correspondence with me, as organ of the University, and I certainly supposed that all the Letters that have passed between us, respecting my election as Chancellor, were deposited by you in the Office of the University, where the Professors could of course have ready access to them, and it is my express desire that the whole should be forthwith placed in that Office, if not there already.

I will thank you to direct copies thereof to be furnished Doctor Skeffington Connor, who did me the honour to propose me to the Convocation, and to whom I wish my explanations to be communicated.

TORONTO, 4th May, 1850. J. B. MACAULAY.

10. REPLY TO THE FOLLOWING LETTER BY THE PRO-VICE-CHANCELLOR

I reply to your note of this day's date, I beg to acquaint you that I have retained your Communications in my possession, not from any wish to prevent their having that publicity which you seem to desire, but solely because I could not satisfy myself with whom they should be deposited, and because I considered that it rested properly with myself to lay them before that Body on whose behalf I opened the Correspondence with you. . .

I take leave to remind you that the majority of the Convocation is composed of Doctors, Masters and Graduates in Law and Medicine, who are not Professors, and hence it suggested itself to me, that their views and feelings required to be consulted as well as that of the Professors. These circumstances induced me to consider the more formal mode of laying the Correspondence before the Members assembled in Convocation as the least objectionable, especially as any partial method of communicating it, might involve me in the same misunderstanding which appears to have arisen in Mr. Crookshank's case.

As a meeting of Convocation has been called for Monday next, when I can formally present the Correspondence, you will perhaps prefer that mode of communication with the Body, which appears to be most regular. . .

I cannot conceive, for reasons before given, that it would be proper for me to direct copies to be prepared for any individual, as I must contend that all the Members, whether Professors, or not, are entitled to consideration in such matters. I beg further to acquaint you that I have in no instance declined showing your Letters to any Members of Convocation who have asked to read, or copy, them.

TORONTO, 4th April, 1850. LARRATT W. SMITH, Pro-Vice-Chancellor.

11. A CONVOCATION CASE SUBMITTED TO THE LAW OFFICERS OF THE CROWN

I have the honour, under direction of the House of Convocation of this University, to request, that you will lay the following case before the Law Officers of the Crown, and procure their opinion thereupon. . . .

Extract from the Resolution passed. "A statutable meeting of Convocation has been held this day, which has been adjourned to Thursday next, for the transaction of ordinary business. The opinion of the Law Officers of the Crown is requested, as to the point, whether Convocation can make a subsequent adjourned meeting an open meeting, and then and there proceed, after due notice given, to the election of a Chancellor; and, if not then, in what matter can a meeting be obtained for the election of a Chancellor?"

TORONTO, 8th April, 1850. LARRATT W. SMITH, Pro-Vice-Chancellor.

12. OPINION OF THE LAW OFFICER OF THE CROWN ON THE CASE SUBMITTED

We have considered the questions proposed in your letter of the 8th instant, and are of opinion.

1st. That a Meeting of Convocation of the University of Toronto, having been assembled regularly on the first day of a term pursuant to the First Section of Second Title of the Regulations of Convocation submitted to us, as those in force at the time of the coming into operation of the Act of 1849, 12 Victoria, Chapter 82, other Meetings of such Convocation may be held by adjournment, or otherwise, as prescribed by the Second Section of the Fifth Title of the Regulations.

2nd. That any of such adjourned Meetings may be made open meetings within the Fifth Section of the Act of Parliament of 1849.

3rd. That any of such adjourned Meetings, (any necessary prelimary, as of notice having been given), the Convocation may proceed to elect a Chancellor, according to the provisions of the Act of Parliament.

TORONTO, 9th April, 1850. ROBERT BALDWIN,
J. S. MACDONALD.

13. THE PRO-VICE-CHANCELLOR TO THE HONOURABLE P. B. DE BLAQUIERE.

I have the honour to inform you that at an open Meeting of Convocation of the University of Toronto, held on the 1st instant you were elected by a vote of 19 to 1 at that Meeting to fill the office of Chancellor of the University.

TORONTO, 2nd of May, 1850. LARRATT W. SMITH, Pro. Vice-Chancellor.

14. REPLY TO THE FOREGOING LETTER BY THE HONOURABLE P. B. DE BLAQUIERE.

On my arrival in Toronto, where I have fixed my residence for the express purpose of affording to my son the inestimable advantage of academical education, I receive the honour of your Letter of the 2nd instant, addressed to Kingston, and communicating the unlooked for intelligence that the Convocation of the University of Toronto had elected me to the high and distinguished office of Chancellor.

I am deeply sensible of this most flattering testimonial, and receive it with feelings of grateful acknowledgement; but had I been previously aware of the intended nomination, I must have shrunk from presuming to suppose that I possessed those acquirements, either of abilities, or education, which the University has a right to expect in the individual who aspires to this eminent situation; and most assuredly I would not have ventured to obtrude myself upon the notice of the Convocation.

The circumstances under which the election has been made are of a nature so truly gratifying, that no alternative is left to me except to state, that if the Convocation continues to think I can in any way promote the interests of the University of Toronto, and, in so doing, add to the welfare of my adopted country, my faithful and devoted services are at its command.

YORKVILLE, 4th May, 1850. PETER BOYLE DEBLAQUIERE.

CHAPTER VIII.

PROCEEDINGS OF THE SENATE OF THE TORONTO UNIVERSITY, 1850.

May 25th, 1850.—The first Meeting of the newly constituted Senate of the University of Toronto met this day. An objection having been made to the presence and the vote at the Meeting of the Pro-Vice-Chancellor, Larratt W. Smith, B.C.L., considerable discussion arose thereon, and the matter was ultimately referred to the Honourable Peter B. de Blaquiere, Chancellor, for his decision, who decided on receiving the Pro-Vice-Chancellor's vote. The following dissent to this decision was permitted to be entered on the Minutes:—

The undersigned Gentlemen, Members of the Senate of the University of Toronto, hereby dissent from the vote of the Pro-Vice-Chancellor in the election of a Vice-Chancellor, on the ground, that the Pro-Vice-Chancellor is not, in our opinion, a Member of the Senate.—Skeffington Connor, Wm. C. Gwynne, Christopher Widmer, M.D., W. R. Beaumont, M.D., Henry H. Croft, W. B. Nicol, M.D., John Roaf, Junior.

The Chancellor stated that, in pursuance of the Visitatorial Statute, Number Two, he had convened the Senate for the purpose of electing a Vice-Chancellor, and a Member of the Endowment Board.* Whereupon the Honourable J. Hillyard Cameron proposed Doctor Herrick as a fit person to fill the office of Vice-Chancellor, which proposition was seconded by Professor O'Brien; Mr. David Buchan, seconded by Professor Skeffington Connor, proposed Professor Croft for the same office. The votes being taken for Doctor Herrick, his election was lost by a majority of two. The votes were then taken for Professor Croft. There being thirteen in his favour, the Chancellor declared him to be duly elected, upon which Professor Croft, at the request of the Chancellor, took his seat accordingly at the Senate as Vice-Chancellor, and Pro-Vice-Chancellor Larratt W. Smith then withdrew. Professor Herrick, seconded by Mr. John Roaf, junior, proposed Doctor James John Hayes as Member of the Endowment Board, and Professor Skeffington Connor, seconded by Professor Wm. R. Beaumont, proposed Doctor Wm. C. Gwynne for that office. The votes were then taken for Doctor Hayes, and there being 12 in his favour and 11 against, the Chancellor declared him to be duly elected.

The Honourable J. Hillyard Cameron proposed that the Chancellor should nominate three of the Members to form a Committee for the purpose of framing Rules for the guidance of the Senate in its proceedings, which being assented to by the Senate, the Chancellor named for that purpose the following Members: Vice-Chancellor Croft, President McCaul and Doctor Hayes.

The payments to the Commissioners of Inquiry into the affairs of Kings College,† for remuneration appearing to the Senate to have been irregularly made and excessive, the President was requested to direct the Bursar to withhold any issue of money to the Commissioners of Inquiry; and the proper Officer was requested to communicate, in the meantime, with the Commissioners of Inquiry, and to ascertain from them, if any, and what, progress had been made in their Inquiry.

* This Endowment Board of three Members, (of which the Honourable Francis Hincks, Inspector General, was appointed Chairman by the Government,) was constituted by the Baldwin University Act of 1849 for the purpose of taking "charge, superintendence and management, of the whole property and effects, real and personal, of the University of Toronto, and of the Upper Canada College."

† Appointed by the Council of King's College in July, 1848. See pages 236, 237 of Seventh Volume of this Documentary History.

June 1st, 1850.—The President read the Report of the Committee appointed to prepare General Rules and Regulations. Whereupon it was moved by Professor James Beaven, seconded by Doctor Christopher Widmer, that the Report now read be received, which being agreed to, the Report was then submitted from the Chair clause by clause; four of which were adopted.

June 6th, 1850.—The members present not being sufficient to constitute a quorum, no business was transacted.

June 11th, 1850.—The Senate resumed the consideration of the remaining clauses of the General Rules and Regulations and passed them as a whole.

The President gave notice of his intention of introducing at the next Meeting of the Senate, the Draft of the Statute relative to the Meetings of the Caput.*

June 15th, 1850.—The Members present not being sufficient to constitute a quorum, no business was transacted.

June 20th, 1850.—The Chancellor, the Vice-Chancellor, and the Pro-Vice-Chancellor not being present, the President drew the attention of the Members present to the Seventeenth Section of the University Act, of 1849. The fact that the Pro-Vice-Chancellor had never been notified to attend, since the first Meeting of the Senate, was also brought under their notice, and a discussion having arisen as to the right of the President to take the Chair, and the legality of the Meeting, it was agreed not to proceed to business.

June 25th, 1850.—The Senate approved of the Minutes made at the Meeting called for the 20th instant, and inserted on the Minute paper, after the entry, that a Communication had been received from the Chancellor, stating his inability to attend on that occasion.

Proposed by Professor Wm. C. Gwynne, seconded by Mr. John Roaf, Junior and—

Resolved, That the Committee on Rules be requested to draft a Statute embodying the Rules, as amended, to be presented to the Senate at their next meeting. (*Carried.*)

Moved by Professor James Beaven, seconded by Professor W. C. Gwynne, that the Committee on Rules and Regulations be requested to draw up a Statute for carrying into effect their suggestion, relative to the creating of the office of Secretary, and defining his duties. (*Carried.*)

The Senate then took up the subject of the Commission of Inquiry into the affairs of King's College. The Bursar read a Letter, dated the 12th instant, addressed to him by the Chairman of that Commission, relative to the payment of their current expenses, and Vice-Chancellor Croft read a Letter from the Secretary of the Committee of Visitation, dated the 29th ultimo, and one from Doctor Joseph Workman, a Member of the Commission of Inquiry into the affairs of King's College, dated the 31st ultimo, both addressed to him, and relating to the progress made by the Commission.

Whereupon it was moved by Mr. John Roaf, Junior, seconded by Mr. David Buchan, that all the Documents relative to the Commission of Inquiry be referred to a Committee, with a request to submit to the next Meeting such a Statute as they may think will make the best provision respecting that Commission of Inquiry, and that such Committee consist of the Honourable J. Hillyard Cameron and Messieurs Joseph C. Morrison and John McMurrich. (*Carried.*)

Moved by Professor Wm. R. Beaumont, seconded by the Honourable Doctor Christopher Widmer, that the Bursar do lay before the next Meeting of the Senate on account of the several sums paid to the Commission of Inquiry into the affairs of the King's College, with the dates, the authorities and orders, under which those payments have been made. (*Carried.*)

Doctor McCaul, the President, submitted a Draft of a Statute relative to the Caput, or Council, of the University. Ordered to lie on the Table.

The Honourable Doctor Christopher Widmer submitted a Draft of a Statute relative to the Chair of Practical Anatomy and the Curatorship of the Museum. Ordered to lie on the Table.

June 29th, 1850.—The members present not being sufficient to constitute a quorum, no business was transacted.

July 3rd, 1850.—The adoption of the Statute embodying the General Rules and Regulations for the proceedings of the Senate, and the Statute, being read clause by clause, two amendments were made to them.

The adoption of the Statute relative to the Caput was then proposed and its several clauses were read and passed, except clause Number Six, which was amended, and all that part of the clause was struck out which follows the words "that the Caput shall proceed to exercise such functions as it possesses under authority of the Act." (*Carried.*)

Whereupon the Honourable J. Hillyard Cameron, seconded by Mr. David Buchan, moved, that the Statute do now pass, but that it be referred to the next Meeting of the Senate, and that then it be further enacted, that at the first regular Meeting of the Caput under this Statute, the Members of the said Caput shall at once proceed to an election of the Member of

* The Caput was a Council of five Members of the Senate, in which, by the Baldwin University Act of 1849, was vested "the ordinary general Discipline and Government of the University, in subordination to the Senate."

the Endowment Board of the University of Toronto and Upper Canada College and Royal Grammar School, to be appointed by the said Caput, and that such election shall be made by a majority of the Members of the said Caput. (*Carried.*)

July 6th 1850.—The Statute relative to the General Rules and Regulations for the proceedings of the Senate, was passed and adopted.

The Statute relative to the Caput was also passed and adopted.

The consideration of the Draft of a Statute relative to the Commission of Inquiry into the financial affairs of the University was entered upon, and a Report from the Commission, dated the 3rd instant, addressed to the Bursar, being read, the clauses of the Statute were severally put and passed. The Statute was then ordered to lie on the Table for adoption at the next Meeting.

The statement of the sums paid to the Commission of Inquiry from the funds of the University, called for at the Meeting held on the 25th ultimo, was laid on the Table.

The Draft of a Statute relative to the Chair of Practical Anatomy and the Curatorship of the Museum, was then considered and was passed and adopted.

The Draft of the Statute relative to the office of Proctor, was then considered, and the clauses were severally put and passed and adopted.

July 13th, 1850.—The Members present were not sufficient to constitute a quorum.

July 17th, 1850.—The Members present were not sufficient to constitute a quorum.

July 20th, 1850.—The Members present were not sufficient to constitute a quorum.

July 24th, 1850.—The Members present were not sufficient to constitute a quorum.

July 27th, 1850.—The Members present were not sufficient to constitute a quorum.

August 3rd, 1850.—Read a Letter dated the 2nd instant, from Mr. Robert E. Burns Chairman of the Commission of Inquiry into the affairs of King's College, representing the inconvenience experienced by the Commission, from the circumstance of the Senate not having made provision for the current expenses of the Commissioners' Office.

Mr. Joseph C. Morrison, seconded by Mr. John Cameron, moved, That the General Rules of the Senate be printed for the use of the Members. (*Carried.*)

The Chairman of the Caput reported that Mr. G. P. Ridout had been appointed to represent that Body on the Endowment Board.

Professor William C. Beaumont's notice of a motion to place on the Minutes the return of sums issued to the Commission of Inquiry and the authority under which they were issued, was taken into consideration, and the same was agreed to, as follows :—

Date of Payments.	Amounts Paid.			Date of payments.	Amounts Paid.		
1848.	£	s.	d.	1849.	£	s.	d.
September 2nd	5	0	0	July 31st	65	0	0
September 30th	18	0	0	August 8th	5	0	0
October 10th	25	0	0	August 21st	71	0	0
October 31st		7	3	September 15th	5	0	0
November 1st	2	10	0	September 29th	71	0	0
November 1st	20	0	0	September 29th	5	0	0
November 24th		4	6	October 10th	89	5	0
December 2nd	25	0	0	October 23rd	5	0	0
December 22nd	30	0	0	October 31st	60	0	0
1849.				November 11th	100	0	0
January 12th	82	0	0	November 22nd	13	13	9
January 16th		8	9	November 30th	53	5	0
January 31st	44	17	6	December 31st	62	9	3
February 7th	10	0	0	1850.			
February 28th	47	0	0	January 15th	5	0	0
March 17th	11	14	3	January 21st	2	1	6
March 17th	5	0	0	February 1st	0	17	6
March 21st	5	0	0	February 8th	55	0	0
March 31st	66	16	4	March 1st	55	0	0
March 31st	1	16	3	March 12th	0	7	6
April 5th	5	0	0	March 23rd	75	3	9
April 30th	50	0	0	March 30th	77	0	0
May 21st	5	0	0	April 9th	0	11	3
May 30th	51	7	6	April 30th	85	0	0
June 19th	5	0	0	May 27th	0	5	0
June 30th	58	17	6				
					£1,538	10	4

The payments on the 30th June, 1849, were made on the authority of President McCaul, the remainder were made on the authority of a Memorandum from the Commissioners, dated the 31st July, 1849, a copy of which was given with this statement, as follows :—

Memorandum—In view of the trouble hitherto imposed upon the President of the University for occasional calls upon him for Letters of Credit on the part of this Commission, and considering that the spirit of the University Statute, under which the Commission sits, justifies a belief that such Letters are unnecessary, the Secretary will in future draw for the monthly contingent, without reference to them, subject to approval of the Commission, or the visiting Commissioner.

TORONTO, July 31st, 1850. JOSEPH WORKMAN, Pro-Chairman, King's College Inquiry.

Moved by Professor John King, seconded by Professor George Herrick, That the President, Professor Skeffington Connor, Mr. J C Morrison, and Doctor J. J. Hayes, be a Committee from the Senate to procure such information in regard to the Commission of Inquiry, as may be necessary, with a view to ascertain the state to which their labours have already advanced, and for the purpose of affording such other information to the Senate as they may require, with respect to the said Commission of Inquiry. (*Carried.*)

Moved by Mr. J. C Morrison, seconded by the President, that the Bursar be authorized to advance upon the orders of the Commissioners of Inquiry, sanctioned by the Chancellor, the amounts due for the expenses on Clerks, Stationery, etcetera, to the present time, and that the Resolution of the Senate, prohibiting further advances, dated 25th May last, be rescinded. (*Carried.*)

August 10th, 1850.—This was the first Meeting held under the amended University Act of 1850, constituting nine Members a quorum of the Senate.

Professor John King, seconded by Professor Skeffington Connor, moved, that the said proposed Statute on summoning and holding Convocation be referred to a Select Committee, to consist of the President, Professors James Beaven, Skeffington Connor and W. B. Nichol, the Honourable Henry Sherwood, and the mover, with power to report thereon. (*Carried.*)

Pursuant to notice given at the last Meeting, the Dean of the Faculty of Medicine, introduced a Statute relative to the erection of a Building on the University Grounds, for the use of the Medical Faculty, and placed on the Table rough plans and an estimate of the expense of the said Buildings.

Moved by Professor L O'Brien, seconded by Professor W. B Beaumont, that the Statute just read be referred to a select Committee, and that the said Committee be authorized to obtain such plans and estimates as may be necessary ; and that the said Committee consist of the members of the Senate belonging to the Faculty of Medicine, with Doctor Hayes, Doctor Widmer, and the President. (*Carried.*)

Mr. John Roaf junior, moved, seconded by Mr. James Halliman, for a return of the salaries and allowances to Professors and Officers, since the year 1842 to the present time, and the authority by which those allowances are made, and an account of the fees paid by students and how disposed of. (*Carried.*)

August 13th, 1850 —Read a letter from the Provincial Secretary, dated the 10th instant, communicating that His Excellency, the Governor-General, has been pleased to appoint the Honourable Francis Hincks, M.P.P. as a Member of the Endowment Board of the University of Toronto, and Chairman of that Board under the provisions of the Twenty First Section of the University Act of 1849, 12 Victoria, Chapter 82.

The Statute introduced by Professor John King for extending the time for receiving testimonials of candidates for the Chairs of Practical Anatomy, etcetera, was fully considered and passed and adopted.

August 17th, 1850.—Read a Memorial from Mr. Thomas Young, dated the 5th instant, praying to be appointed to the office of Architect to the University.

The Draft of Statute relative to the Endowment Board was taken into consideration, when the President moved, seconded by Professor W. B. Nicol, that the Draft of Statute relative to the Endowment Board, be referred to a Committee consisting of the Vice-Chancellor, the President, the Deans of Faculties and Professor W. C. Gwynne, with power to send for persons and papers. (*Carried.*)

The President submitted a design for a Corporate Seal, whereupon it was moved by the Honourable J. Hillyard Cameron, seconded by Professor L. O'Brien, that the Chancellor, Vice-Chancellor, and President, be authorized to decide on a Seal for the Corporation, and to give the necessary directions for its execution. (*Carried.*)

The Draft of Statute relative to the Secretaryship to the Senate was taken into consideration, when the Honourable J. Hillyard Cameron moved, seconded by Professor George Her-

rick, that the Secretary shall be paid the sum of One pound per diem for each day's attendance at the actual meetings of the Senate. (*Carried.*) The whole Statute was then amended and passed.

The Dean of the Faculty of Medicine introduced a Draft of Statute relative to the mode of granting Degrees in Medicine in this University, and the Statute being read, it was moved that it be referred for report to a Committee to consist of the Faculty of Medicine, and Doctors Widmer and Hayes. (*Carried.*)

August 21st, 1850.—The Vice-Chancellor, as Chairman of the Committee on the Draft of Statute relative to the Endowment Board, submitted the report of that Committee, suggesting certain amendments thereto, which Report was read and considered. It was then moved, that fifty copies of the said Statute, as reported from the Select Committee, and the accompanying suggestions, be printed for the use of Members. (*Carried.*)

August 27th, 1850.—The Chancellor laid before the Senate an order of the Endowment Board, signed by the Honourable J. Hillyard Cameron, as Chairman, issued to the Bursar, directing that Officer to place to the credit of Upper Canada College certain sums of money now standing in the Bank to the credit of King's College. After considerable discussion, the President moved, seconded by Professor W. B. Nicol, that the order of the Endowment Board, and the papers connected therewith, be referred to a Committee consisting of the President, Professor W. C. Gwynne, and Doctor J. J. Hayes, with power to draw up a case detailing particulars and to take legal opinions relative thereto. (*Carried.*)

Professor W. B. Nicol, as Chairman of the Committee for obtaining plans and estimates of a Building for the Medical School, presented the Report of that Committee, and having read the same, moved, seconded by Professor W. R. Beaumont, that it be received. (*Carried.*)

The President moved, seconded by Professor George Herrick, that the Report of the Committee on the Medical Building be referred to a Committee consisting of the Vice-Chancellor, the President, the Dean of the Faculty of Medicine, Doctor J. J. Hayes and Professor George Herrick, with the object of their recommending the Site of the Building, and also of enquiring whether the accommodation provided in the selected plan, can be conveniently furnished in a Building so constructed as to form the Western Wing of the University Buildings. (*Carried.*)

Professor W. B. Nicol, as Chairman of the Committee on the Draft of an amended Statute, relative to the Degrees in Medicine, presented the Report of that Committee, and having read the same, moved, seconded by the Honourable Doctor Widmer, that it be received. (*Carried.*)

Moved by the President, seconded by Professor W. B. Nicol, that the sum of money, amounting to Nine Thousand Eight Hundred pounds, (£9,800.) which it appears from the Letter of the Cashier of the Bank of Upper Canada, laid before the Senate is to be paid on the 31st instant, be received by the Bank, and placed to the credit of the Investment Fund of the University of Toronto, and that the interest thereon be received by the same and placed to the credit of the Income Fund. (*Carried.*)

August 31st 1850.—Read a letter from Mr. Principal F. W. Barron, of Upper Canada College, dated the 28th instant, stating that the Boarding House Building will be required forthwith for the use of Upper Canada College, and that the Council of that Institution will expect rent for the same from the 1st of January last.

Moved by Professor John King, seconded by Mr. J. Hallinan, that the Letter of the Principal of Upper Canada College, with regard to the present occupation of part of the Boarding House of said College by the Medical School, be referred to a Special Committee to consist of the Vice-Chancellor, the President and Professor W. B. Gwynne. (*Carried.*)

The Vice-Chancellor, as Chairman of the Medical Building Committee, read the Report of that Committee, and moved, seconded by Professor L. O'Brien, that the Report on the Building for the Medical Faculty, which has just been read, be received. (*Carried.*)

The Chancellor drew the attention of the Senate to an order made by the Board of Endowment, at variance with that issued by the Senate at their last Meeting. After much discussion, the Honourable J. Hillyard Cameron moved, seconded by Mr. J. C. Morrison, that the Resolution of the Senate passed at the last Meeting, on the subject of the monies to be received from the Government for Debentures, be rescinded; and that the Letter of the Cashier of the Bank of Upper Canada, in reference thereto, be referred to the Endowment Board. (*Carried.*)

The whole Statute relating to a Building for the Medical Department, as amended, was then passed and adopted.

Professor John King moved, seconded by Professor George Herrick, that it be

Resolved, that a Committee be appointed to consist of the Honourable Doctor Widmer, the Honourable Henry Sherwood, the Honourable J. Hillyard Cameron, the President and Professor W. C. Gwynne, to enquire the number and value of certain lots of Land, once the property of this University, obtained by, or in the possession of, certain persons lately in the employment of

this University, the circumstances under which such property was obtained; whether said property has been obtained contrary to any rules of the said Council; and that such Committee be authorized to send for papers, or for any of the Officers of the University, with a view to report the necessary information to this Senate. (*Carried.*)

September 7th, 1850.—The President of the University, as President of the Caput, submitted a Report from that Body, relative to the Candidates for the Chair of Practical Anatomy.

The Vice-Chairman submitted the following Report from the Committee on the Communication from the Council of Upper Canada College, dated the 28th ultimo:—

The Committee to whom the communication from the Council of Upper Canada College, of the 28th ultimo, was referred, beg to report that they cannot discover any legal claim for the payment of rent for the use of the Upper Canada College Boarding House since January 1st, 1850, as no arrangement for leasing the building has ever been made, and the authorities of the College seem to have regarded the occupation of the Building as a matter rather of favour than of right. They would not, however, recommend that the Senate should decline entertaining the claim, as they are persuaded that the College Council would not have advanced it unless circumstances had rendered it important, or necessary, to make the demand.

They recommend that the property belonging to the University, including the articles purchased by the University from the Reverend Walter Stennett be removed with the least possible delay.

TORONTO, 7th September, 1850. HENRY H. CROFT, Vice-Chancellor.

The Honourable J. Hillyard Cameron, introduced and read a Draft of the Statute relative to the payment of the Clerks and Servants of the Commission of Inquiry into the affairs of King's College. The Honourable J. Hillyard Cameron also introduced and read the Draft of a Statute relative to the investment of the Funds of the University.

September 14th, 1850. Vice-Chancellor Croft submitted the following supplementary Report from the Committee on the Letter of Mr. Principal Barron:—

In compliance with Minute Number Nine of the last Meeting of the Senate, the Committee annex to their Report a Statement of the facts, as far as they have been able to ascertain them:—

On October the 29th, 1849, the President of King's College laid before the Council a Communication from the Honourable Malcolm Cameron, Commissioner of Public Works, relative to the surrender to the Government by the University of the Parliament Buildings. A necessity thus arose for providing other accomodation for the different departments of the University.

The Principal of Upper Canada College offered the College Boarding House for the use of the Faculty of Medicine, and subsequently provided apartments in the same Building for the Commissioners of Inquiry into the affairs of King's College. The entries on the Minutes relating to these particulars are as follows:—

On the 3rd of November, 1849, it was Moved by Professor W. C. Gwynne, Seconded by Professor W. R. Beaumont that the thanks of this Council be given to the Principal of Upper Canada College for the handsome manner in which he has placed the Boarding House at the disposal of the Council for the use of the University in the present emergency. On November the 28th, it was ordered that the Bursar be directed to inform the Chairman of the Commission of Inquiry that temporary accommodation will be provided for them in the Upper Canada College Boarding House. . .

(NOTE. The Report goes into further detail, which it is not necessary to repeat here)

The action of the College Council on these occasions seems to prove that they did not consider the University as tenants in that Building and the control assumed by the Principal . . . appears to justify the opinion, that he also regarded the occupation as one not of right, but of favour.

The Vice-Chancellor moved, seconded by the President, that the Supplementary Report, now read, be received. (*Carried*)

The President submitted a Report upon the Committee on the Draft of the Statute relative to Degrees in Medicine,—and moved, seconded by the Vice-Chancellor, that the report now read be received. (*Carried*)

The Honourable J. Hillyard Cameron moved, seconded by Mr. Joseph C. Morrison that the Statute relative to the payment of the Clerks of the Commission of Inquiry be now considered and adopted. (*Carried*)

September 21st 1850—The President presented a further Report from the Committee on the Statute relative to the Endowment Board, accompanied with legal opinions of Messieurs Gwynne, Hagarty, Mowat and Doctor Connor, which being read the President Moved, Seconded by Doctor L. O'Brien, that the Report of the Committee be received. (*Carried.*)

Professor W. C. Gwynne, Chairman submitted the following first Report from the Committee on Lands, supposed to have been improperly obtained from the Endowment:—

The Committee to whom was referred the investigation on certain Lands supposed to have been improperly obtained from the Endowment of the University, beg leave to make a first Report:—

As soon as the Committee was organized they requested the Bursar to lay before them certain information and Documents, relating to the matters referred to them, which he did. Among the

Documents so laid before your Committee is a Report, (to which an appendix is attached,) of a select Committee appointed by the Council of the King's College in 1848, to which was referred many of the cases which necessarily came under the consideration of your Committee the evidence taken before the Committee in 1848 seems to have been collected with much care, and the Report made by that Committee contains a great deal of information which will assist your Committee in their investigation, to facilitate, therefore, their enquiries, they beg leave to recommend to the Senate that the said Report and Appendix be printed for their use, as well as for the use of other Members of the Senate.*

Professor W. C. Gwynne, moved, seconded by the President that the Report just read be received (*Carried.*)

The following Statute relative to the Board of Endowment, as printed and circulated, was taken into consideration as follows :—

STATUTE: FOR THE GENERAL CHARGE, SUPERINTENDENCE AND MANAGEMENT, OF THE PROPERTY AND EFFECTS, REAL AND PERSONAL, OF THE UNIVERSITY OF TORONTO, BY THE ENDOWMENT BOARD OF THE SAID UNIVERSITY AND UPPER CANADA COLLEGE AND ROYAL GRAMMAR SCHOOL:

BE IT ENACTED by the Senate of the said University, as follows :—

1. The Bursar and Clerks of the said University shall be under the control of the Endowment Board, who shall from time to time make such Rules and Regulations respecting the Office of the said Bursar, and the General Management thereof, and the duties of the said Clerks, as such Board may deem necessary :

Provided always, that such Board shall not employ any greater number of Clerks, for the business of the said University, than the number now employed for any period exceeding one month, without a special reference of the circumstances attending such employment to the Senate, and the sanction of the Senate therefor.

2. The Board of Endowment may appoint a Secretary, at a salary not exceeding *per annum.*

3. The Board of Endowment shall prepare a Monthly Statement of all transactions connected with the said University, which it shall be the duty of the said Board to lay before the Senate, at the first General Meeting in each Month ; which Statement shall shew all monies received for principal and interest, rents, etcetera, distinguishing the amount of each, all Sales, Leases and Investments, made during the preceding month, and also all disbursements.

4. The Board of Endowment shall decide upon all applications for lease, purchase, sale, or investment, and shall make such terms and arrangements thereon as they shall think fit :

Provided always, that no monies arising from sales shall be invested without the authority of the Senate first had and obtained therefor.

5. The University Members of the said Board of Endowment shall each be paid the sum of *per diem*, from the funds of the University, for each day's actual attendance at the Meetings of the Board ; which attendance shall be certified under the hand of such Member, and of the Chairman, or Secretary, of the said Board, once in every month, to the Bursar of the University, and upon such Certificate the Bursar is hereby authorized to pay to such Member the said sum of *per diem*, as aforesaid.

6. The Board of Endowment shall meet regularly, on Monday and Thursday in each week, at such time and place as the Board shall determine ; and at such other times as the Chairman, or the Board, by Resolution to be therefor passed, shall deem requisite.

7. The University Members of the Board shall give security, to the satisfaction of the Senate, for the performance of their duties as Members of such Board, in the sum of each and two Sureties in the sum of each or one Surety in the sum of

The Committee appointed to consider the foregoing Draft of a Statute regarding the Endowment Board, beg leave to report the following Draft, in which they have embodied the amendments which they would recommend.

They also submit certain other suggestions relative thereto, which seem to them to be of considerable importance.

REVISED STATUTE :—*For the General Charge, Superintendence and Management of the Property and Effects, Real and Personal, of the University of Toronto, by the Endowment Board of the said University, and Upper Canada College and Royal Grammar School :—*

Be it enacted by the Senate of the said University as follows :—

1. That the Bursar shall act as Secretary to the Endowment Board, and, in that capacity, shall, in common with the two Clerks in his Office, (if the services of both should be required), be under the control of the Endowment Board, who shall be authorized to make, from time to time, such Rules and Regulations respecting the Office of the said Bursar and the General Management thereof, and the Duties of the said Clerks, as such Board may deem necessary

* See pages 75, 76 and 230 of the Seventh Volume of this Documentary History. See also page 236 of the same Volume and pages 18 and 202 of Volume Eight.

Provided always Further, that such Board shall not employ any greater number of Clerks for the business of the said University than that above stated, for any period exceeding one month, without a special reference of the circumstances attending such employment to the Senate, and the sanction of the Senate therefor :

Provided also, Secondly, that the Bursar, as Secretary, and the Clerk in his Office, shall be employed exclusively in the business of the University.

2. The Board of Endowment shall prepare a Quarterly Statement of the transactions connected with the Property and Effects of the said University, which it shall be the duty of the said Board, within one fortnight next after each quarter day, to prepare and deposit with the Secretary of the Senate, to be laid before that Body at their next Meeting ; which Statement shall show all moneys received, distinguishing the sums paid in to the credit of the Investment and the Income Fund respectively, all sales, leases and investments made during the preceding quarter, and also all disbursements.

3. The Board of Endowment shall decide upon all applications for lease, purchase, sale, or investment ; and shall make such terms and arrangements therein as they shall think fit, subject to such Regulations as may, from time to time, hereafter be made by University Statute relative thereto ; and all contracts entered into by them which require the Seal of the Corporation, shall be authenticated by the signature of the Chairman, and, on his requisition, shall have such Seal affixed thereto by the Bursar :

Provided always, that no such decisions, terms, or arrangements, shall be made unless at least one of the University Members of the Board be present ; and

Provided, Secondly, that no moneys shall be invested in any other than Government Securities, without the authority of the Senate first had and obtained therefor.

4. The University Members of the said Board shall each be paid the sum of ——— *per diem* from the funds of the University, for each day's actual attendance at the Meetings of the Board, which attendance shall be certified quarterly under the hand of such Member, and of the Chairman, to the Bursar of the University ; and, upon such certificate, the Bursar is hereby authorized to pay to such Member the said sum of ——— *per diem* as aforesaid, subject to the provisions of the Fortieth Section of the University Act of 1849.

5. The Board of Endowment shall meet regularly for the transaction of the business of the University, on —— day in each week, at the Bursar's Office, until permanent arrangements shall be made for the accommodation of the different departments of the University :

Provided always, that Special Meetings may be called by the Chairman, or Board, if the business of the University shall require the same ; and

Provided, Secondly, that the number of regular Meetings may be diminished according to circumstances, by Resolution of the Board.

6. The University Members of the Board shall give security to the satisfaction of the Senate, for the performance of their duties as Members of such Board, in the sum of ——— each, and two sureties in the sum ——— each, or one surety in the sum of ———

SUGGESTIONS. 1. That all the Funds and Securities at present in the possession of the Bank of Upper Canada, in the name of the Council of King's College, shall be transferred to the account of the University of Toronto.

2. That two accounts shall be opened with this Institution, to be designated respectively the Investment Fund and the Income Fund.

3. That the Bursar shall supply the Cashier of the Bank of Upper Canada with the necessary information for making this division of the general account, and shall report to the Senate and to the Endowment Board the particulars of each account, to the former those of the Income Fund, and to the latter those of the Investment Fund.

4. That Cheques shall be drawn on the Income Fund by the Bursar, and on the Investment Fund by the Chairman of the Endowment Board, subject to the following proviso : that all Cheques for any amount not fixed by statute, above - —— shall require the counter-signature of the Chancellor, Vice Chancellor, or President.

5. That the University Seal shall be kept under the custody of the Bursar with the muniments of the University, who shall affix the same on the requisition of the Chairman of the Endowment Board, to such Documents as shall bear the signature of the Chairman.

Moved by the President, seconded by the Honourable J. Hillyard Cameron that the Statute relative to the Endowment Board and the foregoing Report thereon be referred back to the Committee who prepared that Report. (*Carried.*)

Moved by Professor Skeffington Connor, seconded by the Honourable Doctor Widmer, that Mr Alan Cameron be appointed Secretary to the Senate. (*Carried*)

The foregoing Statute for the Investment of the Funds of the University was then taken into consideration for adoption, and the same being read, its adoption was carried.

September 28th, 1850—Professor John King moved seconded by the Honourable J. Hillyard Cameron that the Report on Degrees in Medicine, which had been read, and the Statute founded thereon, as amended, be adopted. (*Carried.*)

October 5th, 1850.—Read a Letter from the Bursar to the Secretary to the Senate, dated 5th instant, containing an Order of the Board of Endowment that the Senate be requested to transmit, for the use of the Board, the opinions of Counsel on the case submitted in reference to the claim of Upper Canada College and the powers of the Endowment Board.

Read the amended Report of a Committee (to which had been referred back its former Report,) with an amended Statute for the General Charge Superintendence and Management of the Property and Effects, Real and Personal of the University of Toronto by the Endowment Board of the said University and Upper Canada College and Royal Grammar School. The Report was received.

October 12th, 1850. Mr. Joseph C. Morrison, seconded by Professor W. R. Beaumont moved, that the Report of the Caput and the Testimonials of the three Candidates selected by the Senate be transmitted to the Provincial Secretary to be placed before his Excellency the Governor General. (*Carried*)

October 19th, 1850—A Letter was read from the Honourable the Chancellor to the Honourable James Leslie, Provincial Secretary, dated the 19th instant, asking permission to use the Hall of the Legislative Assembly for the occasional Assembling of Convocation.

A Letter from the Bursar of the University to the Honourable the Chancellor was read dated 17th instant, on the subject of retiring from his office. In that Letter the Bursar said:

"I was selected to fill the office of Bursar to the King's College in the month of July, 1839, and I have been constantly engaged in its duties ever since that period, using my best exertions for their satisfactory performance; and I am now desirous of withdrawing from the office, if the proper authorities consider that my services and advanced period of life entitle me either to a gratuity in money, or to an annual pension on retirement. If the Senate should look with favour upon this proposal, I shall be prepared to resign my office whenever I am required, giving every assistance in my power to my Successor until the end of the current year."

The Dean of Arts, seconded by the Vice-Chancellor moved, that the Legal Opinions requested by the Board of Endowment in its Letter of the 5th instant be transmitted to them. (*Carried.*)

The consideration of the Report of the Statute relative to the General Charge, etcetera of the property, etcetera, of the University of Toronto and Upper Canada College was resumed, and it was amended in several particulars.

October 26th, 1850—The Members present were not sufficient to constitute a quorum.

October 31st, 1850—A Letter from the Provincial Secretary to the Secretary of the Senate dated the 24th instant was read, informing him of the appointment of James Henry Richardson M. D. to the Chair of Practical Anatomy.

A Letter from the Principal of Upper Canada College to the Honourable P. B. de Blaquire, Chancellor of the University was read, dated the 19th instant, containing a copy of a Minute of the Caput, or Council, relative to the free education of Sons of the Professors of the University

Doctor L. O'Brien, seconded by the Honourable Henry Sherwood moved, that the amended Statute relative to the Endowment Board, as amended, be adopted. (*Carried*).

The Senate directed that a Copy of the Endowment Statute be sent to the Board of Endowment.

The consideration of the Statute, relative to convocations was proposed by the Reverend Doctor Beaven and, after some alteration, it was adopted.

November 2nd, 1850.—The Statute relating to the summoning and holding of Convocations, as amended, was adopted.

November 7th, 1850.—Read the bye-laws of the Faculty of Arts, passed at a Meeting held on the 5th ultimo. Whereupon, on motion of the Reverend Doctor Beaven, seconded by the President, they were approved. The Chancellor, pursuant to notice, made a Communication to the Senate on the subject of a Royal Charter about to be granted for establishing a University in Toronto exclusively for Members of the Church of England and read and laid upon the Table the Draft of an Address to His Excellency Lord Elgin, the Governor General from the Senate for their consideration. The following is a copy of the Draft of this Address:—

May it please your Excellency:—

1. A representation has been made to the Senate of the University of Toronto, that a Royal Charter is sought to be obtained from Her Majesty the Queen, for establishing a University in Upper Canada, exclusively for Members of the Church of England.

2. A Document put forth by the Bishop of Toronto whilst in England, and bearing date June 12th., in the present year and accompanied by an Address from certain noblemen and gentlemen in London, dated June 19th,* in support and corroboration of the same, both addressed to the Members of the Church of England, in behalf of an Upper Canada Church University have also been brought under the notice of the Senate, . . .

3. These Documents have been extensively circulated throughout England, and appear to contain the reasons upon which is based a claim for obtaining the Charter in question; and the Senate is informed that it is also claimed, because Royal Charters have been granted to Victoria and Queen's Colleges in this Province.—

The principal reasons assigned as the claim for a Charter are, that the University of Toronto as now established by parliamentary enactment,

"Expressly excludes from the University Religious Instruction according to any form of doctrine whatever; prohibiting any forms of prayer, or any Act of Public Worship; and disqualifying any Graduate of the University who may have taken Holy Orders from admission into, or any voice into the Senate."

And the Institution is designated as "Anti-Christian" and "Impious."

4. The Senate of the University of Toronto denies the truth of these assertions, and, on behalf of the whole Christian Community of Upper Canada, for whose benefit the University of Toronto has been established by Legislative sanction and Royal authority, repels them as slanderous, inasmuch as Religious Instruction still continues to form part of the University Studies, even with increasing vigour, but will not be permitted to offend, or interfere with the peculiar tenets of any Denomination of Christians, whilst holding out every facility to each for the free and separate exercise of Religious Doctrine.—

5. The Senate equally denies that any prohibition exists as "to any form of Prayer" or "any Act of public worship," allowing to all perfect freedom therein and the utmost facility for conducting the same.

6. The Senate equally denies, as contrary to truth and slanderous, that the University Act of 1849 has disqualified any "Graduate who may have taken Holy orders from admission into or having any voice in the Senate," as two of its Members are Ministers of the Church of England, and one a Minister of the Kirk of Scotland; and no restriction exists, either as to the Members of the Senate appointed by the Crown, or as to those who may hereafter be chosen by any affiliated College, from being Ministers of Religion. And the Senate emphatically repels the accusation, that the University of Toronto is "Anti-Christian," or "Impious," because the principle upon which it is founded seeks to have Religious Instruction inculcated under the especial charge of affiliated Colleges for each Denomination of Christians desirous of University Education, which shall have power to grant Degrees in Divinity, and the further power of enforcing [any Regulation of the Senate of the University of Toronto, providing]:—

"That no candidate for matriculation, or for any degree, (in the University of Toronto,) who shall, at the time of his application be a student in any of the different Colleges which shall be so far affiliated to the said University as to be entitled to appoint a Member to the Senate thereof, shall be received as a Student, or admitted to a Degree in the said University, without possessing such Religious requisites as may be prescribed by the constituted authorities of the College to which he belongs, and which, according to his standing in such affiliated College, he shall, by the Rules thereof, be required to possess." (Vide University Amendment Act of 1850, 13th and 14th Victoria, Chapter 49, Section one.†)

7. The Senate respectfully appeals to Your Excellency, under whose immediate auspices the Statutes of the University of Toronto have been passed, whether their essential principle, as sanctioned by Her Majesty, is not to endeavor to excite all classes to take advantage of a National Endowment fully equal to carry out the highest academical education in this Province, (and which, if divided, would be useless to any,) combined with Religious Instruction in such a manner as may suit all Denominations of Christians, without offence to conscientious scruples;—and that this principle has received the sanction and deliberate approbation of the people of Upper Canada, through their Representatives for whose benefit the same is intended.—

8. The Senate further respectfully represents to Your Excellency, that it is highly injurious to the great interests involved in this question and which embrace the present, as well as rising generations of Canada, to permit the revival of an Institution, wholly exclusive in its nature, and, therefore, unsuited to the well-being of this Province, and which is intended to withdraw from the University of Toronto a large and influential portion of the community, many of whom are actually reaping great benefits from this Institution, and others are preparing to enter it, when sufficiently advanced, without the present means, or further prospect, of being able to provide for this section of the inhabitants that high academic education thus recklessly intended to be thrown aside; nor can the evil rest here, for the tendency of such an Institution is un-

* For copies of these Documents, See Chapter VI. of this Volume.

† Printed in Chapter II of this Volume, pages 49-52. See page 50 for this proviso.

questionably to revive those Religious asperities, from which the Province has already so deeply suffered, and which every friend of peace and good order deprecates, as fraught with calamity to all.

9. Your Excellency, as Visitor of the University of Toronto, and, in that capacity, the delegated guardian of its rights and privileges. cannot but be aware of its fitness and adaptation to the wants and wishes, as well as the best interests, of the Province ; Your Excellency knows that much has already been done to correct what the people of Canada had a right to object to in the former management of King's College ; that order, economy and good government are rapidly being developed in the conducting of every thing connected with this Institution, if permitted to come into operation ; and the Senate trusts that Your Excellency will not permit a rival University, sought for under false and slanderous pretences, to undermine and destroy a great national benefit.

10. But, that Your Excellency will be pleased to pray Her Majesty the Queen not to grant the Charter sought by the Bishop of Toronto, but, in lieu thereof, to grant a Royal Charter for the establishment of a Theological Affiliated College, to be placed in the City of Toronto, for the express use of the Members of the Church of England in this Province, desirous of entering the same, and of receiving Secular instruction in the University of Toronto, and with power for said College to grant Degrees in Divinity.

11. In conclusion, the Senate is desirous respectfully to state to Your Excellency, that the Charters of Victoria and Queen's College were obtained under circumstances altogether different from those in which the Province is now placed.* At the time they were granted, King's College University was considered by those Denominations represented by these Colleges, and also by a large portion of the public as exclusively adapted for Members of the Church of England, but the University of Toronto, as now established by late enactments, becoming available to the whole community, and providing for Religious Instruction in separate Colleges, no reasonable objection can be raised why all may not, if so disposed, receive the benefit of the highest academical education in the National University and take Degrees therein in the Faculties of Law, Medicine and Arts, still preserving the inviolability of Religious Instruction to each Denomination.

In the short period, which has elapsed since the establishment of Victoria College, it has entirely failed for want of necessary funds, and the Institution has been closed, its buildings at Cobourg have been sold† and an Act of the Legislature in the last Session has authorized the removal of the Site of this College to Toronto‡ with, it is to be hoped, the sound and judicious view of becoming an affiliated College with the University of Toronto, and thus, at once, placing its benefits within the reach, and at the command, of that highly respectable (Methodist) portion of the community.

12. The Presbyterian College at Kingston, under the name of Queen's College, however respectable as an academical Institution of a superior order, does not possess, and, it is believed, cannot expect to have for a very long period the means indispensable to the establishment of a University, and it§ is matter for profound regret that the students of this College are not as yet enabled to participate in the superior advantages to be derived from the University of Toronto in the faculties of Law, Medicine and Arts. The actual condition of Queen's College in this respect presents insurmountable objection to extending University Charters in Canada in the present generation, if the honours and distinction to be obtained therein are to be considered desirable, or the Province to be benefitted by University education.

All which is respectfully submitted by the Senate of the University of Toronto.

TORONTO, November 7th, 1850. PETER B. DE BLAQUIERE, Chancellor.

Mr. Joseph C. Morrison, seconded by Professor George Herrick, moved, that the Draft of a Memorial to the Governor General, just read, by the Chancellor, be referred to a Select Committee, consisting of the Chancellor, the Vice Chancellor, the President, Professor W. C. Gwynne, the Honourable Henry Sherwood, Doctor Connor and the Mover. (*Carried.*)

November 9th, 1850 A Letter from the Secretary to the Board of Trustees of the Toronto Hospital to the Secretary to the Senate, was read, dated the 8th instant, stating that it had been resolved that the price for attendance on Hospital practice and Clinical lectures should be Two Pounds Ten shillings for six months.

* Victoria College went into operation on the 21st of October, 1841. It was incorporated on the 27th of August, 1841. Queen's College went into operation on the 7th of March, 1842. Its Royal Charter is dated the 16th of October, 1841. King's College went into operation on the 8th of June, 1843. Its Charter was issued in 1827. See the First and Fourth Volumes of this Documentary History for particulars of these facts.

† This statement is quite incorrect. Victoria College was not "closed" in 1850, nor were its Buildings sold for forty years afterwards. The Site of the College was not removed to Toronto until the early eighties.

‡ The Act of Parliament, authorizing this removal, is printed on page 53 of Chapter II. of this Volume

§ The early comparatively successful operation of Queen's College does not bear out this rather pessimistic outlook of that College by the first Chancellor of the University of Toronto.

The Honourable Henry Sherwood, seconded by Mr. J. Roaf, Junior, moved that the Secretary do acknowledge the receipt of the Letter from the Secretary to the Hospital Trustees, dated 8th November instant, and inform him that the same has been laid before the Senate and that the Resolution of the Trustees meets with their approbation. (*Carried.*)

A Letter from the Honourable the Chancellor to the Honourable James Leslie, Provincial Secretary, asking him to present his humble request to His Excellency the Governor General that he will be pleased to permit him to obtain a copy of a Royal Charter sought for by the Lord Bishop of Toronto for a Church University in Toronto, in order that he might lay the same before the Senate of the University of Toronto. The following is a copy of this Letter :—

At a Public Meeting held on Thursday last in this City, for the purpose of opening a Medical School in connection with a Church University, the Lord Bishop of Toronto stated that he was about to obtain a Royal Charter for such University, and which would enable this Medical School to enjoy all the rights and privileges attached to similar Schools in connection with a University. Conceiving that this may seriously affect the rights and privileges, not less than the well being, of the University of Toronto, over which I have been called upon to preside, I beg you will present my humble request to His Excellency the Governor General that he will be pleased to permit me to obtain a copy of the Charter thus sought by the Lord Bishop of Toronto, in order that I may lay the same before the Senate of the University.

TORONTO, 9th of November, 1850. PETER B. DE BLAQUERE, Chancellor.

The notice of a Resolution of the Board of Endowment, relative to building Offices for the University and Upper Canada College, being taken into consideration, Mr. Joseph C. Morrison, seconded by Doctor J. J. Hayes, moved, that the Communication from the Board of Endowment, dated the 27th September last, be referred to a Committee, consisting of the Vice-Chancellor, the President, the Honourable Henry Sherwood and Doctor W. C. Gwynne. (*Carried.*)

The Bye law of the Faculty of Medicine, regarding the Matriculation Examination being taken into consideration, Professor W. C. Nicol, seconded by Professor H. H. Croft, moved that the bye-law of the Faculty of Medicine, just read, be approved. (*Carried.*)

The Letter of the Bursar of the University of Toronto, on the subject of his retiring from office, laid before the Senate on the 19th October, being taken into consideration, when it was moved by Mr. Joseph C Morrison, seconded by Professor James H. Richardson, that the communication of the Bursar be referred to a Committee, consisting of the Vice-Chancellor, the President, Professors George Herrick and Skeffington Connor. (*Carried.*)

November, 16th, 1850. A Letter from the Bursar of the University to the Secretary to the Senate, dated the 15th instant was read, transmitting, by direction of the Board of Endowment, a Minute of their proceedings at a Meeting held on the 14th instant.

The following Memorial from Mr. J. M. Hirschfelder to the Honourable the Chancellor and Senate of the University, dated November 14th instant was read, applying to be made Professor of Oriental Literature :*—

The Memorial of Jacob M. Hirschfelder, Respectfully Showeth :—

That your Memorialist has held, since the year 1844, the appointment of Hebrew Tutor in the University of King's College, during which time he has performed the duties appertaining to that department in every respect similar to those of the Professors. He has given a Lecture every day during the three terms of the year, conducted the examinations, and appointed the exercises for which services he has received no other emoluments than merely the fees arising from the students attending his Lectures.

Your Memorialist begs leave to state further, that, when, in January last, the new University Bill came into operation, new warrants were issued to the Professors and a new classification of the various departments was made, whilst your Memorialist has hitherto received no new appointment, nor has his department been attached to any Faculty, so that he is at present perfectly ignorant as to what Faculty he belongs.

Your Memorialist would, therefore, humbly and respectfully pray, that your Honourable Senate would be pleased, to raise his position from that of Tutor of Hebrew, to the Professorship of Oriental Literature, which is already established by Statute, since October, 1844, and stands first on the list of the Professorships which were at that time established by the same Statute.

Your Memorialist begs leave to state further that the number of students attending his Lectures has been every year increasing. The three first years that he became connected with the University, the Students in Divinity connected with the Church of England only attended his lectures. The fourth year he obtained a large increase from the Theological Institution connected with the Congregational Church, who have hitherto regularly sent their students to the University to attend his lectures. Last year the Synod of the Free Church of Scotland determined that the students of Knox's College in this City, should attend the Hebrew Lectures at the University, and in accordance with that resolution of the Synod, twenty-five students of Knox's College attended my Lectures last winter. This present Session I have obtained some Students from the Theological Institution which has been removed from London to Toronto, in connection with the United Presbyterian Church.

*As the Memorial is somewhat historical in its character, I have inserted it in full.

The Faculty of Divinity now being removed from the University, and your Memorialist not being aware whether his department will be retained in the University, having hitherto been connected with that Faculty, begs leave to state, that he is not aware of any University either in Germany, England, or America, in which there is not at least one Professor of Oriental Literature. Indeed in the Universities of Berlin, Bonn, Gottingen and Heidelberg, the study of Oriental Literature is so much encouraged, that, not only the Hebrew, Chaldee, Syriac, and Arabic, may be studied free of charge, but the greatest Prizes are given as an inducement in that department.

In the London University Oriental Literature is also very much encouraged. Trinity College, Dublin, in order to encourage the study of Hebrew, even in Schools, has established an entrance Prize of, I believe, £40; nor is there less encouragement afforded in the Universities of Oxford and Cambridge, where there are established Hebrew and Arabic Scholarships.

Your Memorialist takes the liberty of stating further, That a Professor of Hebrew and Oriental Literature at the Provincial University of Toronto, where, from henceforth, those who are intended for the Ministry will receive their preparatory education before entering on their Theological studies, will be of the greatest service to all Denominations. The young men studying for the Ministry in this Country, are generally very poor, the expense of their education is mostly defrayed by the voluntary assistance of their respective Denominations, it can, therefore, not be expected, that each Theological School should maintain a Professor of Oriental Literature, no more that it could be expected that each of them should maintain a Professor of Classical Literature, or Mathematics: it would be a tax which none of them would be able to bear.

Your Memorialist begs leave further to represent to your Honourable Senate, that he has studied four years at the University of Heidelberg, and also four years at the well known Oriental School at Eslinger, and having now been ten years engaged in teaching Hebrew, Chaldee, Syriac and Arabic, so flatters himself to be able credibly to perform the duties appertaining to his department, and he will be able should it be required, to lay before your Honourable Senate, Testimonials from a number of Clergymen of this City of all Denominations, many of whom have been so kind as to write on the subject to the Honourable Attorney General Baldwin, when the University Bill was before Parliament.

Your Memorialist sincerely trusts that you will be pleased to receive his Memorial favourably, and place the department of Oriental Literature, (which will always form one of the largest Classes in the University), in such a position, that the growing desire for the study of Oriental Literature may not be checked, nor its usefulness impeded, and in doing so, he is assured you will ever receive the thanks of those who may profit by it, and who otherwise would probably be entirely deprived from obtaining a knowledge of that Language in which the Holy Oracles were originally recorded.

TORONTO, 14th November, 1850. J. M. HIRCHFELDER.

The following Report of the Committee appointed to take into consideration the communication of the Bursar of the University was read:—The Committee appointed to take into consideration the Communication of the Bursar to the Senate, dated 17th October, 1850, on the subject of his resignation of the Bursar's office on the 16th November, 1850, beg leave to report. That, under the altered circumstances of the office of Bursar, rendered necessary by the late Act of Parliament, the Committee recommend, that the resignation of the Bursar be accepted.

That the advanced age and past services of that Officer entitle him to compensation, and that, in the opinion of the Committee, such compensation should be a sum of money, and not by an annuity.

That, in the opinion of the Committee, the amount of such compensation should be Seven Hundred and Fifty Pounds, (£750.)

That the Committee further recommend, previous to the payment of said compensation that the accounts of the Bursar's Office be audited; and also that the Bonds of the Bursar's sureties be not cancelled, but be retained by the University.

Mr. Joseph C. Morrison moved, seconded by the Reverend Doctor Beaven, that the Report of the Committee be adopted. (*Carried*).

The Statute for conferring Degrees upon Professors of the University, not already possessed of any Degree, was read a second time. Whereupon the Reverend Doctor Beaven, seconded by Professor Skeffington Connor, moved that the Statute, for giving authority to Convocation to dispense with the statutable requirements for Degrees in the Case of Professors be adopted. (*Carried.*)

Professor W. C. Nicol's Statute, relating to the Chair of Agriculture, and the establishment of an Experimental Farm, was read the first time. Professor Nicol, seconded by Professor Skeffington Connor, moved that the Statute just read be referred to a Committee, to consist of the Vice Chancellor, the Honourable J. Hillyard Cameron, Mr. Joseph C. Morrison and Doctor Connor. (*Carried.*)

Mr Joseph C. Morrison, seconded by the Honourable J. Hillyard Cameron, moved that the Secretary address a Letter to the Chairman of the Commission of Inquiry, requesting him, as soon as convenient, to furnish the Senate with a statement of the Bursar's accounts, shewing the balance of cash in his hands belonging to the University at the time the Commission enter-

ed upon their inquiry, or to the credit of the Institution, and such other information on the subject as the Commissioners may see fit,—the Bursar being about to resign his office in the University. (*Carried*).

Professor James H. Richardson, seconded by Mr. Joseph C. Morrison, moved that the Memorial of Mr. J. M. Hirchfelder, laid before the Senate on the 16th instant, be referred to a Committee composed of the Reverend Doctor Beaven, Professors L. O'Brien and S. Connor, and the Honourable J. Hillyard Cameron, with directions to report on it at the next meeting of the Senate. (*Carried.*)

November 23rd, 1850. Read a Letter from the Provincial Secretary to the Honourable the Chancellor dated 16th November instant, enclosing a Communication from the Honourable A. N. Morin, dated 13th instant, granting permission to the Convocation of the University to hold their Meetings in the Hall of the Legislative Assembly Buildings, Toronto.

The following Report of the Committee on Mr. Hirchfelder's Memorial to be appointed Professor of Oriental Literature, was read :—

The Committee appointed to consider the Memorial of Mr. J. M. Hirchfelder, respectfully report,—That it is advisable, in their opinion, that some measures should be taken for the purpose of recognising Mr. Hirschfelder's as a Tutor attached to the Faculty of Arts in this University, and that a salary of not less than £100 per annum should be attached to his tutorship. They would at the same time, recommend that the fees of students in Hebrew be reduced from £2 to £1 per term, in order to make instruction in Hebrew available to the students of the various Theological Seminaries in this city, Professor Skeffington Connor, seconded by Mr. Joseph C. Morrison, moved that the Report be received. (*Carried*).

Whereupon the President, seconded by Reverend Doctor Beaven, moved that the Report be adopted, except as far as related to the title of the Office which shall be "Lecturer in Oriental Literature" instead of "Hebrew Tutor." (*Carried.*)

The Statutes regulating the salaries of the twelve Professors of the University, as amended, was on motion of Mr. Joseph C. Morrison, seconded by Professor Skeffington Connor, adopted.

November 30th, 1850. As the eight Members present were not sufficient to constitute a quorum, no business was transacted.

December 7th, 1850. A Letter from the Secretary of the Committee of Visitation of the University of Toronto to the Honourable the Chancellor was read, dated the 2nd instant, requesting copies of the Statutes of the Senate of the University recently passed by the Senate to be transmitted to him for the information of the Visitors.

The Honourable J. Hillyard Cameron, seconded by Professor Skeffington Connor, moved that copies of the Statutes passed by the Senate be transmitted to the Commissioners of Visitation and that the Secretary be authorized to have such copies prepared and transmitted. (*Carried*)

The Statute for providing more efficient means of practical instruction for Students in Obstetries, as amended by the Solicitor to the University, to whom it has been referred, was adopted.

A copy of Resolutions of the Board of Directors of the Provincial Lying-in Hospital and Vaccine Institution passed at a meeting held 23nd November, 1850, was read, placing the Institution at the service of the authorities of the University, upon such terms as might be agreed upon by the University. Doctors George Herrick and John King were deputed by the Directors to treat with the University upon the subject of such Resolution.

The Statute, authorizing a gratuity of £750 currency to the Bursar on his resignation of office and appropriating such sum for that purpose was read and adoped.

The By-laws of the Faculty of Medicine relative to meetings, etcetera, were read and approved.

December 14th, 1850. As the eight Members present were not sufficient to constitute a quorum, no business was transacted.

December 21st, 1850. A number of Letters on various matters were laid before the Senate and read ; but no action was taken on any of them, at this meeting.

The Statute for allowing free education in the University to the sons of Masters' of the Upper Canada College being taken up, the President, seconded by Professor L. O'Brien, moved, that the Sons of the Principal and Masters of Upper Canada College be entitled to recieve their education in the University, exempt of any fees to which the Officers and Professors are entitled. (*Carried*)

The Reverend Doctor Beaven, seconded by Professor Skeffington Connor, moved that a copy of the foregoing Statute, relative to educational privileges for the Principal and Masters of Upper Canada College be furnished by the Secretary to the Council of Upper Canada College. (*Carried*)

The Preamble Title and Clauses of the Statute for the appointment and payment of a "Lecturer in Oriental Literature," as amended, were respectively put and carried.

December 28th, 1850. A Letter from the Bursar of the University to the Secretary to the Senate, dated 28th instant was read, transmitting, by direction of the Board of Endowment, their report on the examination of the Bursar's accounts. Professor Skeffington Connor moved, seconded by Mr. Joseph C. Morrison, that the Report of the Endowment Board, respecting the Bursar's accounts be received, and that the Statement thereof therein contained is satisfactory. (*Carried*)

Professor W. C. Beaumont moved, seconded by the Honourable Christopher Widmer, that, for the purpose ascertaining the duties attached to the several Professorships, videlicet. The number of Lectures delivered each week; the duration of each Lecture, and the number of weeks each Professor lectures, the Senate do call upon each Professor to furnish a statement of the above duties, together with such additional duties, (if any,) which necessarily make a part of his duties, as a Professor, that the Senate does this with the view of determining by Statute, the duties of each Professorship, and also of proportioning, as nearly as possible, the duties of each Professor to the salary affixed to the Professorship.

The President moved, seconded by Professor John King, in amendment, that it is expedient that the subject contained in the foregoing Resolution be referred to the Visitation Commissioners, with a request that they would be pleased to take it up at their earliest convenience. (*Carried*)

The Statute relative to the salary of the President being taken up Mr. Joseph C. Morrison moved, seconded by Professor Lucius O'Brien, that the said Statute be adopted. (*Carried*)

The Statute relative to Clinical Lectures being taken up Mr. Joseph C. Morrison moved, seconded by Professor W. C. Nicol that the said Statute for the appropriation of money for the Clinical Lectures be adopted. (*Carried*)

CHAPTER IX

PROCEEDINGS OF THE UNIVERSITY ENDOWMENT BOARD, 1850.

The Twenty-first Section of the Toronto University Act of 1849 provided that there should be for the said University, and for the College and Royal Grammar School of Upper Canada College, a Body to be called "The Endowment Board of the University of Toronto, and the College and Royal Grammar School of Upper Canada College" of five Members.

The Twenty Second Section of that University Act of 1849 makes it the duty of this Endowment Board :—

"To take upon themselves the general Charge, Superintendence and Management of the whole Property and Effects, Real and Personal of the said University". . . (and of Upper Canada College : Section Twenty-one.)

On the 12th of August, the Secretary of the Senate of the University of Toronto, received the following Letter from the Provincial Secretary, and, on the following day, the Endowment Board held its first Meeting..

I have the honor, by Command of the Governor General, to acquaint you, for the information of the parties concerned, that His Excellency has been pleased to appoint the Honourable Francis Hincks as a Member of the Endowment Board of the University of Toronto, etcetera, and Chairman of that Board, under the provisions of the Twenty-first Section of the [University Act of 1849], 12th Victoria, Chapter 82.*

TORONTO, 10th of April, 1850. JAMES LESLIE, Secretary.

The following is a record of the proceedings of this Endowment Board, so far as they were of general, or public, interest.

*Printed on page 152 of the Eighth Volume of this Documentary History.

August 13th, 1850. At the first Meeting of the Endowment Board of the University of Toronto, at which the Honourable Francis Hincks, Chairman, presided, it was :—

Ordered that a classified list of all applications for purchase, lease, or otherwise (of University Lands) be prepared for the Endowment Board by its next Meeting.

Ordered, That the Bursar do lay before the Board a statement of all moneys in the Bank, or in his Office, by the next meeting, with Bank Books, and other Books and Documents.

Ordered, That the Bursar lay before the Board, at its next Meeting, a Statement of moneys received for and paid on account of Upper Canada College, between the time of passing of the University Act, (30th of May, 1849,) and the first day of January last.

August 15th, 1850. At this Meeting no business of public interest was transacted.

August 19th, 1850. A Statute from the Council of Upper Canada College was read by the Chairman,—the same giving to this Board the general charge, management and superintendence of the property and effects of the said College.

The Board proceeded to the consideration of applications for Deeds of Property appertaining to Upper Canada College, and ordered that the various Deeds be executed.

Ordered, That an account be open with the Bank of Upper Canada, for Upper Canada College, and that the sum of Seventy-five pounds, Fifteen shillings and Three pence, (£75. 15 3) being the amount of a balance which appears at foot of account, now rendered by the Bursar, of moneys received by him between the passing of the University Act, on the thirtieth day of May, 1849. and the first day of January 1850, be placed to credit that account.

Ordered, That an account be laid before the Board of all moneys received by the Bursar, on account of Upper Canada College since the first of January 1850, to the present time, distinguishing the amount of principal and interest and rent, and any payments that may have been paid by him on account of the same.

Ordered, That Joseph C. Morrison, Esquire, one of the Members of this Board, do prepare a draft of Deeds and Contracts for the sale for Upper Canada College Lands, and that he get two hundred and fifty copies of such Deeds printed, and five-hundred of "Contracts of Sale."

August 22nd, 1850.—A statement of moneys received and paid by the Bursar since the first of January, 1850, to the Twentieth of August, 1850, for account of Upper Canada College, was laid before the Board by the Bursar.

Ordered. That the balance of receipts and disbursements of Upper Canada College amounting to Six Hundred and fifteen pounds, thirteen shillings and ten pence (£615.13.10.) be placed in the Bank of Upper Canada to the credit of the said College, and that the Chairman do give his cheque, or order, to the Bursar to draw such amount from wherever it may be, and so place it ; and that a like order be given by the Chairman for the balance of Seventy-five pounds, fifteen shillings and three pence, (£75.15 3,) due to Upper Canada College, as per statement rendered by the Bursar at the last Meeting.

Ordered, That the account to be opened in the Bank of Upper Canada shall be in the name of the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School."

Mr. Joseph C. Morrison laid on the Table the printed form of Deeds for the conveyance of the Lands, etcetera, of Upper Canada College, and the same was approved by the Board.

August 26th, 1850. The Bursar stated, with reference to this Board's order to place the sum of £615 13s. 10 to credit of Upper Canada College in the Bank of Upper Canada. that he had been directed by the Chancellor of the University to defer so doing, until the Senate decided the question, on his laying the order before them. . . .

August 29th, 1850—Ordered, (on a Letter to the Bursar from the Assistant Provincial Secretary) that the Bursar do receive and acquit the Warrant for the sum of £1,111 2 2 voted to Upper Canada College by the Legislature, and place the same to the credit of Upper Canada College in the Bank of Upper Canada.

The Bursar submitted a Letter from the Cashier of the Bank of Upper Canada, dated the 23d of August, Instant, relative to Debentures to the amount of Nine Thousand Eight Hundred pounds, (£9,800,) and it was

Ordered, That the amount of the said Debentures be received by the Bank and placed to the credit of the "Chancellor, Masters and Scholars of the University of Toronto," in an account to be opened under that head.

Ordered, That the Bursar do write to the Commissioner of Crown Lands, to ascertain whether descriptions will be issued from his Department for lots of Land belonging to the University of Toronto and Upper Canada College, as they may be required by this Board.

September 2nd, 1850. The Bursar submitted a Letter from the Cashier of the Bank of Upper Canada, on the subject of certain Debentures therein mentioned, referred to this Board by the Senate, on the 31st ultimo, and it was, thereupon:

Ordered, That the Bursar do forthwith act upon the order of this Board, passed in relation thereto at the last Meeting.

Ordered, That the Bursar do write to the Council of Upper Canada College, requesting that the Council have copies to the Case submitted to Counsel on behalf of the College, on the subject of the sums claimed to be due to the College, and also the duties of the Endowment Board, with the opinions thereon, transmitted for the use of this Board.

September 5th, 1850. No business of public interest was transacted at this Meeting.

September 9th, 1850—Ordered, That all charges for the joint management of the Property of the University of Toronto and Upper Canada College, be paid, in the first instance, out of the funds of the University, and subsequently apportioned, (as shall be hereafter determined,) between the University and Upper Canada College.

Ordered, That a Book be procured by the Bursar, to be called "Authority Book," in which shall be entered all Statutes, Rules, and Orders passed and adopted by the Senate of the University of Toronto, or the Council of Upper Canada Co lege, for the direction of the Endowment Board, as the same shall be, from time to time, passed and adopted.

The acting Chairman laid on the Table a Communication from Upper Canada College Council, enclosing copies of the Case submitted to Counsel and their Opinions thereon, as requested by this Board.

September 12th, 1850. No business of public importance was transacted at this Meeting,

September 16th, 1850. The Statute authorizing payment to the Clerks of the Commissioners of Inquiry was laid on the Table by the Bursar, with the Certificate from the Chairman of the Commission, that £110 was due to the Clerks . . . which sum, under the authority of the said Statute, was ordered to be paid and be charged to the Joint Management Account.

Ordered, That the balance standing in the Books of the Bank of Upper Canada to the credit of the Council of King's College be transferred to the account of the "Chancellor, Masters and Scholars of the University of Toronto," and that the Bursar do forthwith communicate this order to the Bank, and that the Chairman and the Bursar do sign all cheques to be drawn on this account.

Ordered, That the Bursar do lay before the Board a de ailed Statement of the payments made to the Officers of King's College by the Commission of Inquiry, with the vouchers authorizing such payments, and the receipts therefor.

September 19th, 1850. Ordered, That that the Bursar do transmit to the Commission of Inquiry, the list of payments made to the Commission, with the request that the Commission will furnish this Board with a memorandum opposite to each item of the purpose for which the money was applied, in order that the Board may credit, and allow the same, in accordance with a Statute of the Senate of the University of Toronto.

A Communication was received and read from the Principal of Upper Canada College, on the subject of the claim of Upper Canada College on the University for rent for the Upper Canada College Boarding House, expressing the willingness of the Council that the question should be submitted to arbitration.

September 23rd 1850. Ordered, That the amount required for the payment of the salaries due on the first of October to the Professors of the University of Toronto and Principal and Masters of Upper Canada College, be laid on the Table with the authority for the same.

Ordered, That the Senate be requested to transmit for the use of this Board, the opinions of Counsel on the Case submitted, in reference to the claim of Upper Canada College and of the powers of the Endowment Board.

Ordered, That the Solicitor be directed to apply to Mr. J. E. Small, the late Solicitor, for all Papers and Documents in his hands connected with the late University of King's College, and for a Statement of Account between him and the University up to the period of his resignation, and that the Solicitor d o communicate the result to this Board, as early as possible.

Ordered, That all payments of costs that may be made hereafter on account of the University, or Upper Canada College, be paid through the Solicitor of those Institutions respectively.

September 26th 1850. It was resolved that, in the opinion of this Board, the Lot on the corner of Church and Adelaide streets, Toronto, would be a most suitable one, on which to erect a Building for the Offices of the University and Upper Canada College, and the Board, . . . strongly recommend to the Senate of the University to appropriate a sum of money not to exceed One Thousand pounds, (£1,000), to be expended on the erection of a Building, . . . uponUpper Canada College giving the Lot in question for the purpose.

September 30th, 1850 The Bursar laid on the Table a certified detailed Statement of the expenses and amounts paid on account of the Commission of Inquiry . . . which was audited and allowed, except the sum of One Hundred and Twenty-five pounds, (£125), paid to

the late Mr. John Wetenhall, one of the Commissioners. The accounts was ordered to be charged to the Joint Management Account.

The subject of the transfer of the balance due by the University to Upper Canada College, having been taken into consideration, it was resolved that such balance be at once transferred, without prejudice to the claims of the University, either in Law, or in Equity, to such money, or any other moneys arising from the same sources. . . .

October 3rd, 1850. No business of public interest was transacted at this Meeting.

October 7th, 1850. *Ordered*, That the Bursar lay before the Board the names of the Gentlemen and others employed in his Office, with a Statement of the amount of their Salaries and Allowances, with the dates of their appointments and by whom made.

Ordered, That the Bursar lay on the Table . . . a Statement of the amount (and the resources) of the University, Annual Income for next year, with the charges against the same.

October 10th, 1850. The Chairman called the attention of the Board to the Order of the Board, that Twelve Thousand, Five Hundred pounds, (£12,500,) should be invested in Government Securities,—action on which had been deferred to enable him to make enquiry regarding the Montreal Harbour Debentures. These Debentures he had ascertained were payable in London, and the price asked was 85, payable in currency at 12½ per cent. exchange.

The Board, being of opinion that it was not expedient to purchase on these terms it was, *Ordered* That the Chairman sign a cheque for the £12.500, in favour of the Receiver General, with a request to him that Debentures to that amount, payable in ten years, in sums of £500, each, with interest at 6 per cent., with coupons, as authorized by the Act of last Session for raising £30,000, on the credit of the Upper Canada Building fund.

Ordered, That the Bursar prepare a list of the Mortgages held on account of the University, with the arrears of interest due thereon, and also a list of the property purchased on account of the University, with a Statement shewing what portion thereof is under rent and what arrears of rent are now due.

October 14th, 1850. *Ordered* that the Bursar do obtain from the Receiver General a Debenture for £500, of a similar character to those ordered for investment for the University for investment, for Upper Canada College, and that a cheque be issued for the same.

October 17th, 1850. The Bursar informed the Board that he had received from the Receiver General, under the orders of the Board, Debentures on the Upper Canada Building Fund for £12,500, for investment for the University, and £500 for Upper Canada College, which he had lodged with the Bank of Upper Canada.

Ordered, That the Solicitor be instructed to take proceedings against Mr. J. E. Small, the late Solicitor, to recover any amount that he may have collected for the University, and that remain unpaid, should he not be able to obtain from that Gentleman a satisfactory account and settlement of the claims of the University.

October 21st, 1850. The Bursar laid on the Table the Opinions of Counsel, by order of the Senate. No other business of public interest was transacted at this meeting of the Board.

October 28th, 1850. No business of public importance was transacted at this Meeting.

November 4th, 1850. No business of public interest was transacted at this Meeting.

November 11th, 1850. Read a communication from the Secretary of the Senate, enclosing the Endowment Statute No. 10, which regulates the business and proceedings of the Board.

Ordered, That the Solicitor be requested by the Bursar to lay before the Board of Endowment a Draft of the Bond to be executed by the Members of the Endowment Board.

November 14th, 1850. *Ordered*, That the Communication from the Treasurer of the Law Society, with the instrument enclosed be sent to the Solicitor, and that he be directed to report thereon to the Senate of the University, and that the Bursar do communicate this Resolution to the Secretary of the Senate, and also that it is the opinion of the Board that it would be advisable for it to open a negotiation with the Law Society for the purchase of a right of way to the University Grounds.

The Bursar laid on the Table a Schedule of the Investments of the University property. He was directed to write to the various parties from whom rents, or interest, are due, requiring payment of all arrears of rent and interest, by the first of February next ; and that, if not then paid, any instalments, or principal money, due will be also required.

November 18th, 1850. No business of public interest was transacted at this Meeting.

November 21st, 1850. No business of public interest was transacted at this Meeting.

December 2nd, 1850. The Draft of Bond to be executed by the Members of the Board was considered and sanctioned ; and, it was,—

Ordered, That the names of the Sureties of each Member be submitted to the Board for the purpose of being communicated to the Senate.

December 5th, 1850. The Bursar, having laid on the Table a Statement of Principal, Interest and Rents due on Block D, the property of Upper Canada College*

Ordered, That the Bursar do write to the several parties in arrears of Interest and Rent, and require the payment of the amount due, by the Seventeenth of February next, otherwise proceedings will be taken against them.

December 9th, 1850 Read a Communication from J. Lukin Robinson, Esquire, proposing to give up certain rights of way into the College Avenue on the consent of the University being obtained to the continuation and opening of Park Lane into the Eastern College Avenue. It was

Ordered, That the Letter be transmitted to the Senate, with the recommendation of the Board that the same be acceded to.

The Board received a Statute from the Senate, respecting the resignation of, and a gratuity to the Bursar.

Ordered, That the Bursar do furnish the Board with the several dates when his accounts were audited by the late Council of King's College, and the Resolutions passing such accounts, and that he preface his accounts from the first of January, 1848, for examination and audit by this Board.

December 11th, 1850. No business of public interest was transacted at this Meeting.

December 18th, 1850. No business of public interest was transacted at this Meeting.

December 19th, 1850. Read the Report of the Solicitor on the subject of the accounts of Mr. J. E. Small, the late Solicitor. The Report was allowed to stand over, until information be obtained, in reference to certain accounts relating to Upper Canada College, which the Bursar is directed to apply for.

December 23rd, 1850. There being no quorum present, no business was transacted.

December 26th, 1850. A letter was read from the Secretary of the Commission of Visitation, requiring information as to the probable amount of the Income fund of the University that remains after paying all salaries and appropriations for the present year. After examination, the Board estimated the amount at £2.500,0,0, and directed the Bursar to write to the Commission to that effect.

December 27th 1850. The examination of the Bursar's accounts was completed, and the following Report was adopted by the Board and directed to be transmitted by the Bursar in time for the next Meeting of the Senate :—

The Board of Endowment, in pursuance of the directions conveyed to the Board under Statute, Number Sixteen, passed by the Senate of the University of Toronto, have made a careful examination of the account of Henry Boys, Esquire, Bursar with King's College, Upper Canada College and the present University, and submit the following Report for the consideration of the Senate :—

On the examination of the Books of King's College they found that the accounts of the Bursar had, from time to time, been audited by various Committees of its Council, and that such audit had been carried down to the end of the year 1847, and the accounts approved of. This Board, therefore, did not consider it necessary to make a further investigation of the accounts, extending over the same period, as the competent authorities of King's College had pronounced upon those accounts and given them their sanction and approval. The Board, therefore, commenced the examination with the month of January 1848, and have carefully gone through all the cash accounts down to the present time, and have found them to be uniformly correct, the balances have all been tested, the Bank Books examined and Vouchers produced for all items of expenditure, and the Board are enabled to report to the Senate that the accounts are perfectly correct and satisfactory.

Toronto December 27th, 1850.

J. Hillyard Cameron.
Joseph C. Morrison.
George P. Ridout.

December 30th, 1850. The Bursar laid on the Table a Resolution from the Senate that the Report of this Board respecting the Bursar's accounts was received and that the statement therein contained was satisfactory. At the same time was read a Letter from the Bursar, resigning his office. Whereupon, the Board accepted his resignation, and ordered the payment of £750 to him . . .

Ordered, That Alan Cameron, Esquire, be appointed Bursar, and Secretary of this Board, in the room of Doctor Henry Boys resigned.

Ordered, That security to be given by Mr. Cameron, be as follows :—to Upper Canada College, himself in £1,000 and two sureties in £500 each ;—to the University, himself in £1,000, and two sureties in £500 each, ...

December, 31st, 1850. The Secretary brought before the Board, a Letter from the Provincial Secretary, informing the Board of the allowance of two Statutes by the Governor General, passed by the Commissioners of Visitation for the University of Toronto and Upper Canada

*Block D was that portion of land lying north of St. James' Cathedral. See pages 30, 31 and page 212 of the Third Volume of this Documentary History.

College, and transmitting copies of the Statutes which provided for compensation to certain Professors, and affixed the salaries of the Masters and Officers of Upper Canada College.

Read a Communication from Upper Canada College Council, with copy of Resolution of the Council, affixing the sums to be paid to certain Masters and Officers in accordance with the Statutes passed by the Commissioners of Visitation.

NOTE. Reports were also prepared by the Caput and by the Visitation Committee of the University of Toronto; but, as these Reports embody in substance that which has already been included in the preceding Reports of the Senate and Endowment Board of the University, they are not reproduced here.

CHAPTER X.

REPORT OF THE COMMISSION OF INQUIRY INTO THE AFFAIRS OF KING'S COLLEGE, 1850.*

The Commissioners, in that portion of their "Final Report into the Affairs of King's College University and Upper Canada College" relating to 1850 and later, say:—

As it was found that the system of annual balances, instituted at the commencement, and carried out until the end of the first period of inquiry, 1828-1839, (say for twelve and a half years), had now become inexpedient from the great increase in the number of accounts in existence, and the length of time required for the transcriptions and additions, the precautionary checkings for the avoidance of errors, and subsequent tedious and harassing searchings for trivial discrepancies, added to the fact, that the King's College accounts for each year were interlocked with those of other years, antecedent, or following, so that the exhibition of them in separate annual periods could not be regarded as a reliable exposition of the affairs of the Institution for the particular portion of time which they purported to represent, the Commissioners, with a view to the more early completion of their inquiry, already protracted beyond their expectations . . . decided upon embracing the whole of the second period, extending from Colonel Wells' retirement to the 1st January, 1850, nearly ten and a half years, in one general account, to be completed in one balance; intending to append to it, for the information of the University authorities, a general summary, which, for all purposes of fiscal administration, would meet their requirements.

It is with much regret that the Commissioners, in giving the present detail of the general course of their proceedings, find themselves called upon to complain of the serious obstructions cast in their way by the University Senate, on two occasions, by which not only the progress of the inquiry has been retarded, but the very continuance and completion of it, rendered almost impracticable. . . .†

From an examination of the Statute of Appointment, it will be perceived that no provision was therein made for the defraying of the current expenditure of the Commission. This defect in the Statute proceeded from an imperfect apprehension of the extent and character of the labour devolved upon the Commissioners, it can be regarded only as proof of the imperfect knowledge which the King's College Council had of the real state of the accounts; and, so far from this misapprehension, as to the formidable extent of the work, and consequent large expenditure in its completion, being entitled to consideration, as a legitimate reason for the discontinuance of the inquiry, the Commissioners have regarded it as a most conclusive proof of the very contrary.

* See Chapters I and XI of the Eighth Volume of this Documentary History, (pages 1 and 202).

† See Chapter VIII of this Volume, page 122.

The King's College Council having become aware that the Commissioners could not proceed with their inquiry without the assistance of competent accountants, who could not be expected to wait for their pay till the close of the work, ordered advances of cash to be made by the Bursar, from time to time, to meet the current requirements of the Commission. No difficulty was experienced by the Commissioners on this head, until sometime after the coming into action of the new University Act, by the provisions of which, the College Council was abolished, and a University Senate appointed to take its place. In April, 1850, the Senate, for reasons not explained to the Commissioners, forbade any further payments to be made; and the Clerks of the Commission were left without provision until the 7th August following; the accustomed monthly drafts of the Chairman on the Bursar, being regularly declined, when presented for payment.*

The Senate at length, changed their course; and the Commissioners were once more enabled to proceed in their labours, without the apprehension of being deprived of the valuable services of their Clerks, whose experience in the general work of the accounts rendered their retention both desirable and profitable.

The Commissioners feeling exceedingly desirous to bring the Inqury to the earliest possible termination, pressed forward the work with all possible urgency. The office hours, which had been throughout two hours daily longer than those kept in the University Office, or any other Public Office in Toronto, were increased yet another hour, and every branch of the work was closely superintended. . . . In the meantime they were called upon, in a Communication from the Senate, for information as to the probable further duration of the Inquiry, and for statements as to various matters of account and fiscal consideration, to which applications they gave prompt attention. The reply of the Commissioners to the letter from the Senate is as follows:—

I have the honour to acknowledge the receipt of your Letter, accompanied by a copy of an Official Communication addressed to you by the Honourable James Leslie, Provincial Secretary, by command of the Governor General, intimating that His Excellency is desirous of laying before the Legislature a statement of the amount of the expenses up to the present time, of the Commission of Inquiry into the affairs of the late University of King's College; and also a Statement of the progress which has been made under such Commission: And requesting that you will procure and transmit the required information.

In compliance with the wish of His Excellency, I am authorized to state that the amount of money received by the Commissioners from the Bursar of the University up to the 30th day of April, 1850, was £1,429.7.7.—the whole of which was disbursed in payment of wages to Clerks, and in discharge of accounts for Stationery and other necessary services excepting a sum of £25 drawn by John Wetneuall, Esquire, the late Chairman, in October, 1848,—the only payment made to any of the Commissioners, up to the present time, with the knowledge, or concurrence, of the Board, and considered warrantable under the peculiar relative circumstances of the Member of the Commission, to whom it was made,—whose personal expenses, during his attendance on the Commission at a distance from home, were serious, and should be regarded as entitling him to the consideration of the fiscal Authorities of the University. The Commissioners have recently learned that a further payment of £100 was made to this Gentleman by the Bursar, in November, 1849.

I, avail myself of this occasion to intimate to His Excellency, that the payment of the month's wages due to the Clerks on the 31st of May last, drawn for by me, in the usual form, on the Bursar of the University, and which had always before been regularly met, was refused by that Officer, without any intimation being given to the Commissioners of that intention of the University Authorities to forbid the payment. On the 29th ultimo, there was due by the Commission, for wages and a few small accounts £148.14.1.; And, as it cannot be expected that persons occupying the position of Clerks in a Service, such as that of a Commission, are prepared for pecuniary difficulties, the Commissioners would hope that the University Authorities will make prompt measures to remedy this inconvience and prevent its recurrences.

With respect to the progress which has been made under the Commission, of Inquiry, I may be permitted to observe, that the communication of satisfactory information on this head, to any one unacquainted with the real nature of the work of the Commission, and the difficulties with which the work has been complicated, must be an almost hopeless undertaking. Those who are unacquainted with the confused and irregular state in which the accounts of King's College and Upper Canada College have been found by the Commissioners, more especially prior to the entrance to office of the present Bursar, may be disposed to think that the period of the inquiry has been unduly protracted: but the Commissioners are well satisfied that a very different opinion must be entertained by those who have had the opportunity of informing themselves correctly on the Subject.

During the period extending from 1st January, 1828 to July, 1839, the management of the University may be said to have been devoid of all pretensions to, or even of any attempt towards a rational system of accounts, no Books, such as might be supposed to be called for in the conducting of an extensive business, were kept. The Commissioners have, therefore, been forced to educe from imperfect and distracted materials the elements requisite or the construction of a regular set of Books, in principles of double Entry: And with a view of ensuring accuracy, as well as of affording a satisfactory exposition of the accounts, Annual balances have, with great labour, been brought out. Yet,

*See Note † on the preceding page.

notwithstanding this precaution, the Commissioners have found it impossible, owing to the mixing up of the transactions of different years, and other irregularties in the Books of the University to secure fully the object which they had in view. At the end of the period above alluded to, it became necessary to institute a minute Examination of the entire work of the Journals and Ledgers of the Commission, in order to rectify, by cross entries, errors which had from the imperfect character of the data, crept into the accounts, and to educe a general or summary balance, exhibiting the correct state of the whole University Account, at the period when the management was transferred to the hands of the present Bursar.

The Commissioners have, infact, been obliged to remake the whole of the University Accounts, under difficulties which rendered the labour much more arduous and intricate, than it would have been to have performed it in the first place ; for it is much easier, under a proper system of Book-Keeping, to prevent business records from falling into confusion, that to rectify the errors caused by a bad system many years after they have been committed, and that too without any aid, or information, from those who committed them.

During the period of management of the present Bursar, the Commissioners find no reason to complain of any lack of industry, or minutiae of details, on the part of that Officer ; on the contrarys they have had ample opportunity of discovering that the amount of labour, performed by him, has been unusually great. But, as the system of keeping accounts, still pursued in the College Office if one of Single Entry, it must be obvious that, under the most careful and unceasing supervision by the Bursar, much difficulty will be expcrienced by the Commissioners, in converting the existing accounts in a regular form of Double Entry.

The Commissioners are reluctant to enter into any further details, lest they might appear to be desirous of anticipating the decision of the public mind on the character and utility of their labours; nor would they have ventured on submitting to His Excellency the preceding remarks, did they not apprehend that they are, at present, called for, and that they may not be unsatisfactory to His Excellency.

The Commissioners see no possibility of communicating to His Excellency an exact statement of the amount of work done, and of that yet remaining to be performed. Labour such as that which has fallen to the Commissioners would be very incorrectly appreciated by the measurements of results, as exhibited in the reduction of confusion to order, and the establishment of a Simple System of accounts, from materials of the most unpromising character. A very large amount of preliminary work, in calculations of instalments of purchase, rent and interest, extending over twenty-two years' management of an Endowment worth probably not less than £350,000, has been completed. The Journal work, in which these and all other accounts, real and personal, are classified, had been completed up to the end of 1840; and is nearly all carried into the Ledgers. The Journal work for the period from 1840 to the end of 1849, will soon be completed and will be posted in one entry for the whole period, thus abbreviating the labour by dispensing with the System of Annual balances previously pursued. The accounts of Upper Canada College are in progress, and though they are found to be in a state far from satisfactory, the Commissioners hope to have this portion of their inquiry completed in time to enable them to furnish their Report upon it, conjointly with that on the affairs of King's College.

The Commissioners, after mature consideration of the present position of their investigation, feel warranted in stating it as their belief, that their labours will be brought to a close in four, or five, months, if not less. The expenditure on account of wages to clerks will, it is expected, gradually decrease ; as those engaged in preparing the elementary materials will not be required, and the work must finally be in the hands of but one or two Accountants. The documutary materials for the Report of the Commissioners are in readiness, and require only the addition of the final footings of the Ledgers to enable the Commissioners to bring together the results of their investigation that portion of the Report which relates to matters of general managenent, not requiring illustration by reference to the Ledger footings, is at present in process of preparation.

The Commissioners have felt called upon to observe the strictest possible economy, consistent with the efficient discharge of their important duties ; the work being one almost entirely of accounts, it became necessary to place it in the hands of competent Accountants. The Commissioners have met in quorum only when business of importance required their conjoint action. The general supervision has been attended to by Visitation ; and for several months past one of their number has been in attendance during the half of each day, giving such instructions as appeared to be called for, and taking a part in the labours of the office.

Trusting that the information which I have now communicated will meet the requirements of His Excellency.

JOSEPH WORKMAN.
Commissioner of Inquiry into King's College Affairs.

TORONTO, 3rd of July, 1850.

NOTE.—Subsequently the remaining Commissioners prepared the following Financial Statement, relating to their Expenses, which was inserted in their Final Report :—

Detailed Statement of all the Sums issued from the Funds of the University to the Commission appointed to inquire into the Financial Affairs of the University and Upper Canada College, from the

20th July, 1848, the date of the appointment of the said Commission to the present day, 24th June, 1850.

Date.	Amount.			Date.	Amount.		
	£	s.	d.		£	s.	d.
September 2, 1848	5	0	0	Brought up	575	19	10
" 30, "	18	0	0	July 31, 1849.	65	0	0
October 10, "	25	0	0	August 8, "	5	0	0
" 31, "		7	3	" 21, "	71	0	0
November 1, "	2	10	0	September 15, "	5	0	0
" 1, "	20	0	0	" 29, "	71	0	0
" 24, "		4	6	" 29, "	5	0	0
December 2, "	25	0	0	October 10, "	89	5	0
" 22, "	30	0	0	" 23, "	5	0	0
January 12, 1849	82	0	0	" 31, "	60	0	0
" 16, "		8	9	November 11, "	100	0	0
" 31, "	44	17	6	" 22, "	13	13	9
February 7, "	10	0	0	" 30, "	53	5	0
" 28, "	47	0	0	December 31, "	62	9	3
March 17, "	11	14	3	January 19, 1850	5	0	0
" 17, "	5	0	0	" 22, "	2	1	6
" 21, "	5	0	0	February 1, "		17	6
" 31, "	66	16	4	" 8, "	55	0	0
" 31, "	1	16	3	March 1, "	55	0	0
April 5, "	5	0	0	" 12, "		7	6
" 30, "	50	0	0	" 23, "	75	3	9
May 21, "	5	0	0	" 30, "	77	0	0
" 30, "	51	7	6	" 9, "	0	11	3
June 19, "	5	0	0	" 30, "	85	11	0
" 30, "	58	17	6	" 27, "		5	
Carried up	£575	19	10	Total	£1,538	10	4

The probable further continuance of the Commission was a matter of uncertainty ; consequently the inquiry of the Senate on this head, was replied to, according to the best apprehension which the Commissioners were able to form upon it. The causes of the protraction of the work, have already been alluded to : they were well known to several Members of the Senate, and were above the control of the Commissioners, no less than that they had been beyond their expectations. The fiscal statements required, related to the comparative income and expenditure of the University, and consisted of two returns : one, showing the aggregate expenditure and income from July, 1839, to the end of 1849 ; the other, showing the collected income for the respective years 1848 and 1849. The former was prepared in September 1850, at the request of the Chancellor, conveyed through the Reverend Professor Beaven, who desired to have the information submitted to the Board of Visitation for their guidance in certain matters under consideration ; but though Professor Beaven was duly apprized of its completion, within a few days after making the request, the return remained for many weeks, uncalled for by the Board of Visitation. The footings of this Return shewed the aggregate expenditure for the period mentioned, to have exceeded the aggregate income by £10,140 19s. 11d.—The second Return, furnished in December, 1850, shewed the excess of expenditure over income to have been, in 1848, £2,942 8s. 6d. ; and in 1849, £2,955 11s. 9d.

The Commissioners consider themselves called upon to state the above facts, in order to shew that the University authorities were aware of the advanced state of their work ; for it would not have been possible to furnish the returns referred to, had the work of the Commission accounts not been far advanced.

* * * * * * * *

The Commissioners have extended these prefatory details to much greater length than they could have desired ; but the position which they have occupied during a considerable part of the period of their inquiry has been of a peculiar character, and has appeared to them to justify, if not to demand, such a detail of facts as they have here, endeavored to give. They have never doubted that when the true nature and extent of their labours shall have been fully understood, a proper estimate of its value and importance will be entertained ; and that none will, in the end, more highly appreciate their work than the Officers and Authorities of the University Relying, therefore, with the utmost confidence on the final approval of their entire conduct, they now submit the following statement of the leading facts which have come under their observance and appear to call for notice.

The General Summary of the University Finances, 1843-1850.

The General Summary, compiled from the Final Balance of the Accountant, and here introduced as the closing section of the Report of the Commissioners, exhibits the present state of the affairs of the University.

From the footings of this statement it will be seen, that out of a total capital of £336,930 19.8, realized, or at the command of the University Authorities, there have been totally alienated, in current expenditure and losses, £166,319 11 8, leaving a balance of £170,811 8 0 of assets of various sorts.

These assets, of course, stand rated at the figures representing their original costs, as introduced into the accounts. The present value of some of them is, no doubt, greater than the cost; but that of others must be correspondingly less. The Commissioners are not, however, called upon to furnish an inventory of the University effects; neither could they pretend to be competent to do so. They consider that they shall have discharged their duty, under this head, by exhibiting the distribution of the funds under the various heads of investment in which they have been placed. It is, however, their duty to state, finally, in closing their work of investigation, that they consider the amount of money which has been alienated from the Trust, altogether disproportioned to the extent of benefit conferred upon the public by the University, and that the affairs of the Institution might have been so managed as to have secured to the youth of Western Canada much greater advantages than they have hitherto derived from the munificent endowment bestowed upon it by a paternal Sovereign.

The Statement of Expenditure and Income following the General Summary, shows the true fiscal condition of the University, for the last seven years, prior to 1850, or during the period in which it has been in operation as an educational establishment. From this Statement, it will be observed, that the current expenses of the Institution have largely exceeded its proper annual revenues. The total of the excess of Expenditure over Income, for the above period, has been no less than £19,332 14 8. Under a continuance of such mismanagement, it is obvious that in course of some years, the capital must have been seriously decreased and the Institution reduced to a state of comparative fiscal weakness.

The Commissioners, in this statement, have included under Income, every item of revenue properly appertaining to this head; and under that of Expenditure, only those disbursements which have been made for services, leaving no asset as a representative, as salaries, wages, charges, etcetera.

The General Abstract Statement of the Lands of the University, which the Commissioners have, with much care, compiled, and now submit, in connexion with the General Summary, shows the present state of the Endowment, so far as can be understood from returns in figures, of the quantity of Land originally held in the various Townships in which the Lands were situate.* A proper estimate of the real value of the residuary Lands cannot, however, be arrived at without a complete and thorough inspection of them by efficient and trustworthy valuators. It is much to be feared, that the quality of the unsold lands is not equal to that of the sold Lands; and it is to be regretted, that so great a proportion of the whole estate has been disposed of before the Institution has yet passed through its infant stage of existence.

TORONTO, December, 1850. ROBERT, G. BURNS, JOSEPH, WORKMAN, } Commissioners for Inquiry into King's College Affairs.

* These "General Abstracts" are so voluminous that I have not appended them to this Statement. They are given in full detail on pages 53-77 of the Commission's "Final Report," printed in 1852.

STATISTICS OFFICE
DEPT. OF EDUCATION

CHAPTER XI.

PROCEEDINGS OF CERTAIN CHURCHES ON UNIVERSITY MATTERS.

I. THE PRESBYTERIAN CHURCH OF SCOTLAND—REPRESENTING QUEEN'S COLLEGE, KINGSTON, 1850.

I. Statement, of the Board of Trustees of the University of Queen's College, Kingston, of Their Reasons for Resolving to Carry on That Institution in Conformity With its Royal Charter, Irrespective of the (Baldwin) University Act of 1849.

At a Meeting of the Board of Trustees of the University of Queen's College, Kingston, held on the Fifth day of March, 1850, an extract from the Records of the Commission of Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, dated the 11th of October, 1849, was read to the effect : That the Commission, having had under their consideration a Paper transmitted to the Synod by the Trustees of Queen's College, anent the best course to be pursued in regard to the College, had appointed the Reverend Doctor Machar and the Reverend Professor Romanes a Committee to draw up, for general circulation through the Church, a Paper containing a full Statement of the reasons which have induced the Board of Trustees of Queen's College to resolve, that they shall use their utmost exertions to carry on that Institution in conformity with its own Charter.

The Committee, appointed by the Commission of Synod to prepare a Statement (in terms of the said extract) laid before the Board of Trustees of Queen's College the Statement which they had prepared, which was then read and approved ; and the Committee were requested to take such steps as may be deemed necessary to give to it the widest circulation. The following is a copy of this Statement :—

Statement Prepared by a Committee of the Commission of the Presbyterian Synod.

I. The Trustees of the University of Queen's College, having resolved to carry on the Institution, in conformity with its Royal Charter, irrespectively of the University Act passed last Session of the Provincial Parliament, think it proper to present to the people of this Country the reasons which induced them to come to this Resolution.

II. It must be premised, that the Act of 1849, lately passed, is not only entirely different from, but, in all essential respects, quite opposite to the Measure brought forward some years ago by the Government of this Province* These former Measures recognized Religion as the proper foundation and attendant of Education : the last one—that of 1849—aims at their total separation. The former ones provided for the incorporation of the several Colleges as integral parts of the University, and for a participation, bp Queen's College in the Public Endowment ; the last,—that of 1849,—gives but a mere shadow of representation to the several Colleges that may agree to the Measure, and no share whatever of the Endowment.

III. Although the Trustees of Queen's College, anxious to promote a peaceable settlement of the University Question, would have agreed to the plan of union proposed some years ago, notwithstanding several serious objections, to which such a plan is liable, yet, from the entirely different character of this new Measure of 1849, the apparent impossibility of procuring a union of Colleges on Christian, or equitable, principles, and the rapid increase in the population of the Country, calling for additional Seats of Learning, they have, on mature consideration of the subject, come to the conclusion to maintain Queen's College not only for instruction in Theology, but for all the purposes for which it was originally established in 1842.

IV. The objections to the new University Act of 1849 and the reasons for maintaining Queen's College, according to its Royal Charter, may be comprised under the following heads :—

(1.) The irreligious character of the Act of 1849, referred to. Not only is the teaching of Theology prohibited in the University of Toronto, but all forms of Divine Worship, all Public Prayer,—everything that can remind either Professors, or Students, of God, and the duties we owe to Him,—of our responsibility and obligations,—are rigidly and peremptorily excluded. And, as no test whatever is required of the Professors, not even belief in the existence of God,

*"The University Measures" brought forward by the Government some years ago, were those of 1843, 1845, 1846 and 1847. See the Volumes of this History relative to those years.

there is nothing in the Act to prevent Infidels, Atheists, or persons holding the most dangerous and pernicious principles, from being entrusted with the instruction of youth at that time of life, when evil impressions are most likely to be made upon their minds.

(2). Another objection to this Measure is, that, while the Act thus banishes the very semblance of Religion from the University of Toronto, it makes no improvement, and no provision for improvement, on the existing system of literary and scientific instruction. It leaves entirely unreformed what chiefly stood in need of reformation. It leaves the management nearly in the same hands as formerly. There is, indeed, a show of alteration by the addition of several Members to the Governing Body, but all who are acquainted with such subjects will, at once perceive, that, in all practical and essential respects, the management will be the same as before.

(3.) The Act is liable to this further objection, that, even, although, it made the best provision for the efficiency of the University, yet the confining of all the means of University education to one place, and one set of teachers, will, of itself, very much impair that efficiency. In education, more than in any other subject, a wholesome rivalry, a generous competition is of paramount importance ; in this department of education the deadening effects of monopoly are more apparent than in any other. And, if such a system would be at once condemned, if attempted to be applied to ordinary trade, or commerce, what reason can be assigned for applying it to a subject of such immensely higher importance as the education of our youth.

(3) To confine to one particular place the means of a higher education appears no less injudicious and impolitic than unjust. A Country of such immense extent, and increasing so rapidly in population, most assuredly requires more than one University. To require all the youth of the Province to travel to Toronto to obtain Education is, in fact, to pass sentence of exclusion against the greater part of them. Even in countries of far less extent, it is found indispensable to establish Universities in many different localities ; as for example, in Scotland, where four Universities have long existed and are all fully attended. Already the population of this Country is equal to that of Scotland, when her four Universities were established, and we cannot doubt that Canada will, at no very distant day, number a population far exceeding that which Scotland even now contains.

(4) There is every reason to fear that, if Queen's College were to cease operations, as to its literary and philosophical department, the progress of nearly all those young men who are now studying with a view to the Ministry would be stopped. Of these there are now nearly twenty in different stages of advancement. Many of them from different causes could not attend at Toronto. At Queen's College every possible exertion is made to render attendance there as cheap as possible to students for the Presbyterian Church. They are entirely exempted from class fees, not only at the Divinity Classes, but from the very commencement of their College course ; and the Boarding Establishment, while possessing every needful comfort, is conducted with such strict economy, that the expenses of the students per session amount only to a very moderate sum. The time of attendance is so arranged as to permit young men to teach, or be otherwise employed, during the summer. None of these advantages could be expected by them at the University of Toronto ; the full amount of fees and dues would be enacted ; they would have to board themselves in as expensive a manner as other students ; and the times of attendance are such as to prevent any other occupation; so that none could attend but those who possess independent means, or whose friends are able to maintain them during the whole College course. Besides all this, the Bursaries, now pretty numerous, granted by individuals, or bodies interested in the welfare of the Presbyterian Church, would, in many cases, not be given to students attending an Institution like the University of Toronto, in which these individuals, or Bodies, might not place any confidence.

(5.) The number of students at Queen's College, and the almost certain probability of further increase ought to induce us to maintain it. After the (Free Church) secession in 1844, only ten students attended ; the number now is thirty-five, and the number anticipated next Session is fifty. The increase in the Preparatory School, which may be safely regarded as an indication of the future increase of the College, is most encouraging. In 1846, when the School re-opened, there were but six scholars. The number now attending is fifty,—nearly all engaged in such studies as will fit them for College ; and from this source alone a constant annual influx of well prepared students may be expected. The fact that we can now point to upwards of eighty, and, probably next Session, to one hundred, of the youth of this Province enjoying the benefits of a superior education in connection with Queen's College must undoubtedly tend to give the Institution very strong claims on the assistance of the Legislature and the countenance of the community generally.

(6) The Roman Catholic Church has made Kingston the principal seat of their educational operations in Upper Canada, for which purpose it is admirably fitted by its central situation and the easy access to it from all parts of the Province. Should Queen's College be given up, as a Literary Institution, there would be no Protestant College in the whole vast distance from Montreal to Cobourg ; and thus the whole of the superior education of those large sections of

Country, of which Kingston is the natural capital, would be made over to a Roman Catholic Seminary.

(7) The manner in which the new Measure of 1849 has been received by the Country gives no hopes for its ultimate success. All the most numerous and influential Denominations of Christians have declared themselves most decidedly opposed to its principle. The adherents of the Church of Scotland, especially, look upon it with suspicion and dislike. Indeed, a Measure, so utterly opposed to Christianity, and so repugnant to the principles and practice of Presbyterianism, could never be expected to secure their confidence. The Church of Scotland has always held that education, from its lowest to its highest stage, ought to be founded on Religion, upon which all the real prosperity of individuals and Nations depends. And there is reason to believe, that not only the Members of that Church, but many parents who belong to other Religious Denominations, will prefer sending their children to Queen's College, rather than to one where every vestige of Religion is proscribed, and is studiously and purposely rejected.

V. The Royal Charter granted to King's College, in 1827, and the Endowments therewith connected, having been given expressly "for the instruction of youth in the principles of the Christian Religion," as well as in Arts and Faculties, it is held by many, whose opinions are entitled to attention, that the Endowment cannot be Legally, or Constitutionally, diverted from that purpose, such a change not being an amendment, but a subversion of the Charter. But, leaving this to be determined by more competent authority, our duty is clear. Whatever other Protestant Denominations may see it proper to do in the present crisis, it seems to be the imperative duty of the Trustees of Queen's College and of the Ministers and Members of the Presbyterian Church in this Land to maintain, to the utmost of their ability, an Institution so important to the Church and to the whole Country as Queen's College, and to extend, in every possible way, its means of usefulness that so there may be in this great Province at least one University, where Literary and Scientific instruction shall be combined with Religion; where the Divine Blessing is daily implored upon the labours of Professors and Students; and where Divine Truth is revered as the best and highest object of contemplation for the human mind, and the surest guide in the conduct of life.

II. Regulations for Queen's College, Relating to the Admission and Attendance of Students.

1. The Session or Academical year shall commence on the first Wednesday in October, and end on the last Thursday of April. There shall be a recess at Christmas, and another at Easter. The duration of these to be fixed by the College Senate.

2. No one shall be entitled to rank as a Student who has not been matriculated; that is, whose name has not been placed on the Album, or Register, of the University by the Secretary of the Senate, and by their authority.

3. Every person applying to be matriculated for the first time, shall undergo an examination before the Senate*, and, if the candidate does not display such a proficiency in these elementary subjects of examination as to warrant the expectation that he will pursue his studies with success, it shall be competent for the Senate to refuse his admission. The Senate shall have power to rank a Student, even at his first entrance as a senior one, provided that he display such proficiency in the subjects of examination as shall fully warrant his being so ranked; such indulgence to be granted only in those cases where the Student exhibits a degree of proficiency decidedly above the average rate of intrants.

4. When a Student of a former year applies for matriculation, he shall be examined by the Senate on the studies of the previous Session, or Sessions, and also in regard to the improvement he has made during the vacation by private study; and if it shall appear that he has been negligent, it shall be competent for the Senate to place him in the same situation in regard to standing as he held the previous Session.

5. Every Student, at the time of his matriculation, shall subscribe a declaration of obedience to the authorities and laws of the University.

6. Every Student, at the close of the Session, shall apply to the Professors, on whose instructions he has attended, for Certificates attesting the regularity of his attendance, his proficiency and diligence. The nature of these Certificates shall form an element in the judgment of the Senate as to the person's standing for that Session.

7. Any Student, who shall have been absent from the classes during such time, or times, in the course of one Session as shall amount to thirty days, without leave obtained, or cause shown, shall be held and accounted as not having attended that Session.

8. Any Student, who shall have been absent from the classes during such time, or times, in the course of one Session, as shall amount to fifteen days, without leave obtained, or cause shown, shall be held and accounted as having given only partial attendance that Session, which, in regard to standing, shall count only as half of a regular Session.

*The subjects of examination are at present; the first three Books of the Æneid of Virgil; the first three Books of Caesar's Commentaries; Mair's Introduction; the Greek Grammar; and Arithmetic, as far as Vulgar and Decimal Fractions, inclusive.

9. Any Student, who, from ill health, or other necessary cause, to be approved of by the Senate shall have been compelled to be absent from the classes during such time or times, in the course of one Session, as shall not exceed two months, shall be held and accounted to have attended regularly. But, if the time of absence exceed two months, his attendance shall be regarded as partial; and if the time of absence exceed three months he shall not be regarded as having attended that Session.

10. Cases of an urgent, or peculiar, nature, in regard to attendance and absence, may be adjudged upon by the Senate, according to the circumstances of each case.

11. Students coming from other Universities may be admitted to the same standing in this that they held in the University to which they formally belonged, provided that due regard be had to the number and duration of the Sessions, or terms, in such other University; and provided also, that the applicant display a degree of proficiency corresponding to the standing which he claims.

12. Every applicant for admission shall produce a Certificate of good Moral and Religious character from the Minister of the Congregation to which he last belonged, or, if there be no regularly ordained Ministsr in his vicinity, from the nearest magistrate, and the names of the persons granting such Certificates shall be entered in the Albun of the University.

13. No Religious Test, or qualification of any kind shall be required of any Student entering the University; but it is expected that every Student will pay due reverence to the Ordinances of the Christian Religion, and attend some place of Public Worship.

(Chapter II : In regard to Discipline, is Omitted)

Chapter III, in regard to degrees in queen's college.

1. The Curriculum, or course of attendence on the Literary and Philosophical Classes for Students who intend to compete for the Degree of Bachelor of Arts shall be three Sessions attendance. The couse of study shall be as follows :—

1st Year.—Junior Latin—Junior Greek ; Junior Mathematics.

2nd Year.—Senior Latin—Senior Greek ;—Senior Mathematics ; Natural Philosophy.

3rd Year Third Greek ; Natural Philosophy ; Moral Philosophy ; Logic and Rhetoric ; and with Third Latin or Third Mathematics, as may be determined in each case by the Senaters.

Students having it in view to study for the Ministry, whose circumstances do not permit them to attend during a seven months' Session, and whose case shall have been specially certified and recommended by the Presbytery within whose bounds they reside, may enter on, or before, the first Wednesday of December, and their course shall be completed in four Sessions of six months each.

2. The time for the examination of candidates for Degrees shall be fixed by the Senatus, and public intimation thereof given in the several classes ; and all candidates shall, within ten days after such intimation, signify their intention to come forward, either to their respective Professors, or to the Secretary of the Senate.

3. The subject and manner of Examination shall be determined by the Senate. The Examination shall take place in presence of the Senate, and shall consist partly of written questions and translations and partly of *viva voce* Examination. The subject of Examination for Degrees for each Session shall be appointed by the Senatus and entered on the Minutes of the Board of Trustees of the College.

4. If any of the candidates distinguish themselves by an uncommon degree of proficiency, either in Classical, or mathematical studies, or in both, it shall be competent for the Senatus to express their sense of such high merit by honourable mention of such candidates' names in the published List of Degrees conferred.

5. No student shall be entitled to come forward as a candidate for the Degree of Master of Arts, unless he has obtained the Degree of Bachelor of Arts, and had his name on the Books two Sessions, after taking such Degree. In other respects, the Regulations, in regard to the Degree of Master of Arts, shall be the same as those regarding the Degree of Bachelor of Arts.

6. Graduates of other Universities, or any other distinguished persons, shall be admissible to Honorary Degrees.

7. The Fees payable on obtaining Degrees and the application of said fees shall be determined by the Senate.

Form of Declaration to be subscribed by Students at time of matriculation :—

I,——, being now admitted as a Student of Queen's College, do hereby solemnly and sincerely declare and promise that I shall, at all times, render due respect and obedience to the Principal, Professors and other Authorities of the University, and strictly observe and obey the Laws and Statutes thereof, (as enacted and administered by the Senatus Academicus,) that I shall apply myself carefully and diligently to the studies in which I am to engage, and perform, to the utmost of my power and ability, the exercises prescribed ; that I will conduct myself in a courteous and peaceable manner towards my fellow Students ; and that I shall always maintain and defend the rights and privileges of this College, and never seek, in any way, or manner, the hurt or prejudice thereof.

The following are the subjects for Examination for the Degree of Bachelor of Arts—for Session 1849-50 : Cicero—Orations. Horace, Odes and Epistles. Xenophon, Memorabalia. Homer's Iliad, First 12 Books, Sophocles, Oedipus Tyrannus. Euripides. Hecuba and Medea. Euclid, First Six and 11th and 12th Books. Hind's Algebra ; Playfair's Plane Trigonometry. Snowball's Plane and

Spherical Trigonometry. Whewell's Doctrine of Limits ; Differential and Integral Calculus. Whately's Logic and Rhetoric. Paley's Moral Philosophy. Wayland's Elements of Morality, Earnshaw's Statics. Arnott's Physics, Herschell's Astronomy, Paley's Evidences of Christianity, and generally the subjects of Study throughout the course

III. Educational Proceedings of the Synod of the Presbyterian (Church of Scotland), 1850.

July 3rd 1850. The Synod proceeded to the election of two Trustees for Queen's College at Kingston, in room of the Reverend Robert McGill, and the Reverend James Williamson, A. M., who retire from Office at this time, according to the terms of the Royal Charter of Queen's College, when the same gentlemen were re-elected.

July 4th 1850. The Synod appointed the following Committee to take the whole state and condition of Queen's College into consideration, and report on such action as may be deemed necessary in regard to the same by this Synod, videlicet :—The moderator, (Reverend William Bell of Perth), and Seventeen other Members of Synod.

July 6th, 1850. The Synod called for the Report of the Committee appointed to consider the state of Queen's College, which was given in. After discussion, the following Deliverance was agreed to :

The Synod, having heard the Report of the Committee appointed to consider the state of Queen's College, agreed to approve and adopt the Minute of the Commission of Synod, held at Kingston on the 11th day of October, 1849, anent Queen's College [which is inserted on page 146 of this Chapter]

July 9th, 1850. The Commission of Synod also recommended that this paper should contain a statement of the financial affairs of the College. The Commission further recommended that the Reverend Principal Liddell, as soon as convenient after his arrival in Canada should visit all the Congregations within the bounds of the Synod, to explain the course of proceedings which the Board of Trustees of Queen's College have deemed it proper to pursue, and to set forth the duty of such parents as have the means, to give a Collegiate Education to their sons. And further, the Commission recommended the Presbyteries should co-operate with the Trustees of Queen's College in the exertions that may make to obtain subscriptions and collections in aid of the College Funds."

The Synod, further, resolved anew to give their best aid to the Trustees of Queen's College to maintain the Institution ; and, with this view, the Synod ordain that the support of Queen's College shall henceforth be one of the permanent schemes of the Church, in aid of which collections shall be annually made in all the Congregations belonging to the Synod ; that, for the present year, collections in aid of the Funds of this Institution shall be taken up in all the Congregations throughout the bounds of the Synod at an early day ; that Ministers do earnestly recommend the interests of Queen's College to their people, not only in regard to increasing its funds, but also in the way of promoting a larger attendance of students ; and that, in conjunction with the Board of Trustees, one or two Ministers be appointed to visit the principal Congregations of the Church, and advocate the cause of the Institution.

The Synod called for Returns from Presbyteries on the Act anent the course of study for the Holy Ministry, and, in accordance with the opinions of Presbyteries, the said Act, embodying the amendment proposed at the last meeting, was adopted as a standing Law of this Church and is as follows :—

Whereas it is expedient that the course of Study to be henceforth pursued by those who look forward to the office of the Holy Ministry in the Presbyterian Church of Canada, in connection with the Church of Scotland, should be more definitely prescribed than it has heretofore been : *It is hereby enacted*, by the Synod of the aforesaid Church, that the literary and scientific Course of Study shall embrace three Sessions' attendance on the classes of Queen's College ; each session to consist of seven months ; the classes to be attended in the following order :—

1st year, Junior Latin, Junior Greek, and Junior Mathematics.

2nd year, Senior Latin, Senior Greek, Senior Mathematics, and Natural Philosophy.

3rd year, Third Greek, Natural Philosophy, Moral Philosophy, Logic and Rhetoric, and with Third Latin, or Third Mathematics, as may be determined, in each case, by the Senators of the College.

But students where circumitances do not permit them to attend Sessions of seven months each, and whose case shall have been specially certified and recommended thereto, by the Presbytery within whose bounds they reside, shall be allowed to attend Sessions of six months each, provided they attend four such sessions ; the Classes to be attended in the following order :—

1st Year, Junior Latin, Greek and Mathematics.

2nd Year, Senior Latin, Greek and Mathematics.

3rd Year, Third Latin, Greek and Third Mathematics and Natural Philosophy.

4th Year, Logic, Rhetoric, and Moral Philosophy.

Note. Several pages of the Synod Proceedings, relating to purely Theological Education, are here omitted.

II. THE METHODIST CHURCH, — REPRESENTING VICTORIA COLLEGE, COBOURG.

The passage of the Act for the removal of the Site of Victoria College from Cobourg to Toronto* gave rise to a variety of statements and rumours. The questions on the subject which were publicly discussed were, (1), as to whether the College was to be discontinued, or (2), converted into a purely Theological Institution, or (3), be formally affiliated with the University of Toronto, just then established.

In order to inform the public as to the correct facts of the case, the Reverends John Ryerson and Enoch Wood, Visitors of the College, and Members of its Board of Management, issued the following Address on the subject.

It will be noticed that this Address enters fully into the discussion of the general question of the desirability of establishing and maintaining in efficiency a denominational, and yet a non-sectarian, Institution, like Victoria College. It also points out that the unsettled state of the University Question has had a somewhat paralyzing effect upon the operations and efficiency of the College, and that the unsatisfactory nature of portions of the Baldwin University Act of 1849 rather increased, than diminished, these difficulties.

CHRISTIAN BRETHREN AND FRIENDS,—We feel it to be our duty to address you briefly on the subject of Victoria College. Statements have appeared in certain of the public prints, which demand correction, and circumstances have occurred which require explanation. The College needs your support, and we desire to lay before you its claims.

1. As to the statements respecting the discontinuance of the College, or a determination to discontinue it, they are without the slightest foundation in truth, . . . The sole object which those who have had the chief responsibility and burden in managing and sustaining Victoria College, have had in view, is the usefulness of the Institution, in connection with the common interest of our Country,—and this will appear from the following facts :—

2. The Institution was not established upon any exclusive principles. Many of the Instructors, who have been employed in it, from time to time, have been Members of other Religious Persuasions than that of the Wesleyan Church, great numbers of youth of various Religious Persuasions have been taught within its walls; and the spirit of an exclusive, or narrow-minded, sectarianism, has never characterized the proceedings of its Authorities. Its Charter† does not permit the application of Religious Tests in the admission of students, but simply requires the teaching of Science and Literature on Christian principals. The management of the Institution has been in harmony with the provisions of the Charter,—the youth taught there having been required to be regular in their attendance at their respective Places of Worship, and the daily instruction and discipline administered to them being such as to promote their best intellectual, moral, temporal and everlasting interests. Victoria College, though strictly a Wesleyan-Methodist Institution in its origin, proprietor-ship, and character, has essentially contributed to the general interests of Christian Education in Canada during the last fifteen years.

3. The buildings were erected nearly Twenty years since, and a Royal Charter was subsequently obtained, (in 1836), not for an University College, but for "The Upper Canada Academy", ‡—an Institution designed to impart a practical scientific English, and thorough elementary Classical Education, with a due regard to the Christian principles and morals of youth. Such an Institution was a desideratum in the Country at that time ; and the exertions and sacrifices made to establish it, were in advance of any denominational effort of the kind, which had ever been made in Upper Canada. § Some years afterwards, there appearing but little

*A copy of this Act will be found on page 53 of this Volume. The reasons for its removal are given in a Memorial to the Legislature by the Board of Trustees, and printed on page 20 of this Volume.

† Printed on pages 57-61 of the Fourth Volume of this Documentary History.

‡ A copy of this Charter will be found on pages 268-272 of the Second Volume of this History.

§ The fourteenth paragraph of the Report of the House of Assembly, on the application of the Authorities of Victoria College for aid to that Institution, which was adopted by that House on the 21st of February, 1838, is the foundation for this statement : That Report says :—

"The exertions of the Wesleyan Methodist Church in the accomplishment, so far, of this object, [the establishment of the Upper Canada Academy,] are unparallel ; and, in the words of the Report of the House of Assembly of February 9th, 1837, 'it is the gratest undertaking hitherto successfully prosecuted in this Province by means of voluntary contributions alone.'"

prospect of any other than [King's College] a sectarian University College, instead of a truly provincial one, being endowed at Toronto, the Upper Canada Academy was incorporated as an University College in 1841, still, however, retaining the English and elementary Classical Departments in the Institution.

4. But before arrangements had been completed for the proper organization and effecient operations of the Institution, upon the more comprehensive basis of an University, as well as a preparatory College, the question of the endowed College at Toronto was taken up by the Government and brought before the Legislature, with a view to establish one University upon broad Christian principles for the whole Province. The authorities of Victoria College made no opposition to such a policy,— raised no party cry,—erected no sectarian standard against a Provincial University ; but evinced, by resolutions adoped in 1843, * and 1845 † 1847, ‡ a disposition to co-operate in any just and practical arrangement, by whatever party proposed, which would secure to the Country an efficient Christian System of University, as well as Common School, Education.

5. The "University Question" continuing to be agitated, and without the passing of a single Bill by the Legislature with a view to its adjustment, from 1843 to 1849, our Conference has been kept in a state of suspense from year to year, as to the course which duty might dictate in regard to the relations and interests of Victoria College. To secure proper Professors and Masters, and sustain the Institution as an University College, as well as a Classical Academy and Scientific English School, required a very considerable endowment, in addition to the pittance of Five Hundred pounds, (£500,) per annum granted by the Legislature.

6. In the neighboring States, no University College can be sustained for a single year without an income of several thousand dollars, by collections, subscriptions, or grants, or all united, in addition to the fees of students. But the unsettledness and doubt connected with the Provincial University Question, prevented our Church from adopting any decisive and final course of proceeding in regard to Victoria College. The necessary steps could not be taken to provide for the full support of all the professorships and masterships required in the Institution, in its comprehensive character, without assuming a position, and making avowals incompatible with acquiesence in any Provincial University system. Yet duty and honour required, for the time being, that instruction should be provided in the several branches of a Collegiate course, as well as in the preparatory departments. To do this, required expenditures beyond the current receipts of the Institution.

7. The expectations of the final settlement of the University Question were year after year disappointed. At length, a Bill, designed to settle the Question passed of the Legislature and became a law in 1849. Some of the provisions and features of this Act were such as to leave our Church no alternative other than adopting efforts for ths permanent establishment of Victoria College as an University College. But early in the present year. circumstances occurred which appeared to revive the hope of so modifying the University Act of 1849 as to place the Toronto University upon a foundation that would render it worthy of the confidence and support of all Religious Persuasions.

8. The question again presented itself, whether it would not be our duty, in such an event, to unite in a Provincial University ; for, if it be the duty of a State to establish Public Educational Institutions, it is the duty of all classes in the State to support them. To do so would require two things, (1) the removal of the site of Victoria College from Cobourg to Toronto, and (2), the surrender of the power of conferring degree in Arts and Science, except in Theology. In such a relation the Literary Department of the Institution would be the same as that of the former Upper Canada Academy, imparting a thorough Scientific English Education,—educating youth in the elementary Classics and Mathematics, either for the University, or for practical life,—taking a due oversight of the Religious and Moral interests of those young men of our own Church who might be pursuing their course of higher education in the University, and also providing for the more thorough Theological training of Candidates who might be recommended by local Quarterly and District Meetings of the Church for the work of the Ministry. Thus would the original objects in procuring the subscriptions and erecting the Buildings for the Upper Canada Academy be accomplished,—the educational wants of our Church would be provided for, and the interests of the Country would be promoted.

9. The removal of the Site of Victoria College from Cobourg to Toronto, would involve the disposal of the present Premises and Buildings, and the procuring of new ones. It was suggested by a disinterested party, that the present Site of the College might be suitable for a Provincial Juvenile House of Correction, similar to one which has been erected on the South side of Lake Ontario, at Rochester, for Western New York, and that they might be disposed of for that purpose, at a valuation by competent and disinterested judges, selected by each of the parties con-

* Pages 19-25 of the Fifth Volume of this Documentary History.

† Pages 103-106 of the same Fifth Volume.

‡ Pages 42-54 of the Seventh Volume of this History.

cerned,—thus promoting the public interests, and not subjecting those of our own Church to an unreasonable sacrifice. This matter, honourable, as it was, to all parties concerned, has been made the subject of low and mean insinuation by persons of low and mean affinities.

10. Such being the state of things in June last, when our Annual Conference was held in Brockville, it appeared doubtful whether the present position of the College should be continued, or not, or whether it would be most advisable to resume its exercises the ensuing Sessions at Toronto, or Cobourg. It has only been within the last two months, that it has been finally determined by the Board of Victoria College to continue the operation of the Institution another year at Cobourg.*

11. Under these circumstances, it has not been thought advisable at the present juncture to set on foot any general plan for raising a Fund to provide for the future operations of our College in a manner commensurate with the standing and wants of one of the largest Religious Persuasions in Upper Canada. Some embarrasment has been experienced, on account of the absence of the Principal, (the Reverend Doctor Mathew Richey,) whose state of health required a year's retirement from active duties, as well as from the circumstances above referred to.

12. We are persuaded that nothing more is required than this simple statement of facts, to satisfy the Members of our Church, and all the friends of Victoria College, that nothing has been wanting on the part of those, on whom has devolved the arduous and difficult task of managing its affairs, in doing the best in their power for the interests of the College, of the Church, and of our common Country, in the delicate and unusual circumstances in which they have been placed.

13. Whether the operations of the Institution shall hereafter be permanently continued at Cobourg, or transferred to Toronto, all parties concerned may be assured, that the original objects of the Institution will be kept in view, and that the best interests of the youth entrusted to its instruction will be consulted by every future arrangement. The immediate oversight of the College has been committed during the present year, (in the absence of the Principal,) to Brethren of acknowledged ability and tried integrity—to the Reverend Lachlin Taylor, as the Pastoral Governor and Professor of Moral Philosophy; the Reverend Samuel S. Nelles, A. M., as Classical Professor, in addition to the former Professors of Mathematics and Natural Philosophy, and a Teacher in the elementary English Department.

14. Though the first term of the new Collegiate year commences in the present week, students will be admitted until the first week in November. We hope, therefore, that all those whom we address, who are desirous and able to provide for their sons an education, at once solid, practical and Christian, will send them without delay, to an Institution endeared to every Member and friend of our Church by so many weighty considerations.

TORONTO, September, 1850.

JOHN RYERSON
ENOCH WOOD
} Visitors.

REVEREND DOCTOR RYERSON ON THE REMOVAL OF THE SITE OF VICTORIA COLLEGE FROM COBOURG.—HISTORICAL REFERENCES.

In replying to a statement, in a local Newspaper, that Doctor Ryerson had advocated the passage of "one or more Resolutions to dispose of Victoria College at Cobourg, and to establish a Divinity School at Toronto," he said:—

"That there was not a single particle of truth in that statement as I never made, or thought of making, such a proposition, at any time or place, in any shape or form.

"At the annual Board and College Meeting in Hamilton, in June last, (1850,) some conversation took place in connection with the subject of the Baldwin University Bill of 1849, as to the nature of its provisions, the duty of the Conference respecting it, and the effect it might have upon the position and prospects of Victoria College. No one had any authoritative, or precise, information as to the provisions of the Bill, as it finally passed the Legislature; and it was suggested that no action should be taken by which the Conference, or the Authorities of the College would be committed for, or against, the Bill, but to remain free to act, as might seem best at any future period;—that, if the Christian and practical features of the Bill were such as accorded with the principles and interests of the Wesleyan Church, it would be the duty of the Conference to acquiesce in the decisions of the Legislature. The conversation was general; I have no recollection of any definite Resolution, or proposition, having been made by any one. I insisted that in my present position, I should be excused from taking any part in the Victoria College matters referred to. As to what has been stated in regard to the removal of Victoria College to Toronto the subject was introduced by the Reverend Doctor Wood, Superintendent of

*Victoria College was affiliated with Toronto University in 1890; but its Site was not removed to Toronto until the year 1892.

Missions, and conversed on at a Meeting of the Victoria College Board held in Cobourg in October last; but I was not there; and the question turned chiefly, if not entirely, upon the comparative facilities afforded at Toronto and Cobourg for the interests and efficiency of the Institution. The only "disposal" of the College buildings spoken of, in the possible event of the removal of the College to Toronto, was to appropriate them to the establishment of a Wesleyan Female Academy. I have never heard or read one word as to the sale of the College buildings, except what I have seen in the columns of the Newspapers.

Then, in respect to the College being converted into a Divinity School, to the exclusion of the literary departments, this also is intelligence which I have derived from the newspapers, and from that source alone. I and other Members of the College Board have thought, and still think, that more efficient provision should be made for the Theological and Literary training of young men whom Circuits and District Meetings have recommended, and whom the Conference has approved, as having been converted and called of God, to preach the Gospel; but I have yet to learn that any one of them ever thought of abolishing, or abandoning, the department of the College which gives a sound English and Classical Education to the youth of our Church. Nay, even in the possible event of the Conference being induced to agree to act under the University Bill, the provision for sound English and elementary Classical Education would be provided for in Victoria College as effectually as it has ever been,—and with all the facilities that Toronto could afford, in respect to special Teachers in Vocal Music, Drawing, Modern Languages, etcetera.

Brown University, in the United States, was first established at Warren, but was afterwards removed to Providence, Rhode Island, yet I am not aware of any *quid nunes*, even in a Country so fruitful in curious novelties, having invented the story, that the College was to be abolished, in consequence of a change in its place of location.

The elected Board of Victoria College is composed of persons who have done, perhaps, more than any other fourteen individuals towards the establishment and continuance of the College, and who, therefore, have the deepest interest in doing that which will contribute most to the objects of the Institution, and to the interests of the Church with which it is connected. And, as to myself, I wrote to the Treasurer of the College, not many months since, adverting to the absurdity of the statements, as to the extinction of the College as an Educational Institution, when both its Academical and University Charter required the teaching of Science and Literature on Christian principles, and expressing my readiness to contribute to the utmost of my ability to place the Institution on a proper foundation in financial matters.

It is remarkable, indeed, to see professed Methodist advocates of the University Bill of 1849 the very first to assail the Authorities of Victoria College for barely conversing on the possibility of becoming parties to the provisions of that Bill,—although I am confident not one of them has even yet formed and decisive and settled opinion on the subject.

In regard to the Principalship of the College, it is true that at the Conference in Toronto in June, 1847, the Reverend Doctor Mathew Richey was solicited to accept the appointment of Principal of Victoria College, but declined doing so, until it should be seen what position the College would be placed by the then pending University and Clergy Reserve questions; it is also true that the Reverend Alexander Macnab was appointed Principal for the time being, but with the express understanding on all sides, and the explicit declaration on his part, that he would resign at any moment that Doctor Richey would accept the position; and I believe it is likewise equally true, that no Member of the Board, (I know it to be the case in respect to several of them,) looked upon Mr. Macnab as a permanent Principal of the College, but only as a *locum tenens*, until the settlement of the pending legislative questions would enable the Conference to decide as to the measures necessary to place the College on a foundation worthy of the Wesleyan Church and worthy of the Country.

TORONTO, September, 1850. EGERTON RYERSON.

At the Conference held at Brockville in June, 1850, the Members agreed to the following paragraph for insertion in the Pastoral address:—

We cordially concur in the request made by the Board of Management of Victoria College, that they may have the valuable assistance of the Reverend Doctor Richey at the head of that Institution, so important in its bearings upon the Wesleyan youth of the Province and the prosperity of our Church, especially so, as we contemplate a more enlarged and systematic design for the Theological training of candidates for our ministry, in connection with its operations.

III. PROCEEDINGS OF THE FREE PRESBYTERIAN CHURCH IN CANADA, 1850.

At a Meeting of the Synod in 1850, the Reverend Alexander Gale gave in a Report from the Committee appointed in 1849 on King's College, and the Reverend Doctor Willis, gave in

the Report of the Knox College Committee which were read. After deliberation it was agreed:—

That these Reports be received and sustained, and that the thanks of the Synod be given to these Committees, for the attention which they have given to the matters entrusted to them. That the College Committee be Messieurs McKenzie, Robb, Roger, Gregg, R. Boyd, Wardrope, Gordon, Stark, Gale, Bayne and Rintoul, Ministers ; the Honourables Malcolm Cameron, and G. McDonald, Doctor Dickson, John Fraser, G. Davidson, J. Burns, W. Notman, J. Gibb, J. Redpath, John McMurrich, Samuel Spreull and James Shaw, Esquires, Laymen, together with the Professors. That the Committee endeavour to get such arrangements in the University of King's College made as will answer the purpose of Knox College. And that it be entrusted to the Committee to make such arrangements in the internal economy of Knox College as they deem best, for the purposes of promoting its objects, and the advancement of the students in the prosecution of their studies.

The Synod took up the consideration of the Draft of a Bill for the incorporation of Knox's College, when, after deliberation, it was agreed, to refer the same to the Presbytery of Toronto, that they may still further correspond with the Church, regarding its details, and especially with the Pesbyteries ; with authority to said Presbytery by and with the concurrence of a majority of the other Presbyteries in the draft, or in alterations and amendments of the same, to take steps to have it passed into law.

The Synod had read to it the Draft of a Bill of Incorporation for Knox College. It was agreed that the said draft should lie on the Table, to be taken up in connection with the Report of the College Committee at a future Session of Synod.

THE MUNICIPAL COUNCIL OF THE COUNTY OF YORK AND THE UNIVERSITY.

The Standing Committee of the Council of the County of York on Education, beg leave to report in regard to matters relating to education placed by the Municipal Act under the control of County Councils, that one of these matters, is the power to make provision for defraying the expenses of Candidates attendants upon their competition for Scholarships and Exhibition at the University of Toronto and Upper Canada College, and to endow Fellowships, Scholarships, Exhibitions and others Prizes at those Seminaries of learning, to be open to competition amongst the pupils of the public Grammar Schools of this County.

Among the Scholarships at the University are three reserved for each District, tenable for three years, and giving one vacancy every year ; these Scholarships entitle the successful candidate to exemption from all the dues, and fees, during three years from the date of their election.

Your Committee would recommend to the Council to make these scholarships as valuable as the six University Scholarships, by the appropriation of a sufficient sum from the County funds, to obtain the privilege of Rooms and Commons, without charge to the successful competitors. Your Committee have ascertained that £40 per annum for each Scholarship would be adequated for that purpose.

The Committee have also made enquiry as to the expense of placing these Exhibitions, with one annual vacancy at Upper Canada College upon that same footing, and have ascertained the amount required for that purpose to be £25 annually for each Exhibition, provided exemption from fees of tuition should be accorded by the proper authority, which they have reason to believe, would be granted upon the application of this Council.

Your Committee would, therefore, recommend the endowment of three Exhibitions also. The earliest period at which Candidates could be elected at the University would be in October next ; supposing two then elected, one for the University, and one for the Upper Canada College, the first payment amounting to £21.13 4 would be due in January following, and a like sum at the termination of each term of the first year—£65 in all. For the second year, £130, for the third year, £195,—after which time that sum would be the annual charge.

In recommending this appropriation from the County funds for the encouragement of learning among the youth of this County, your Committee are of opinion, that the superior education obtained by the successful competitors will be the least of the advantages derived from these endowments—they will prove a strong stimulant to exertion among all the scholars of the several Grammar Schools of the County, and the standard which the competitors must reach to entitle them to election, cannot fail to give a high character to the Institutions where they may have received their previous instruction.

In conclusion, your Committee deem it more advisable to make these endowments tenable but, for one year, the continuance of the advantages to depend on an annual examination,—it having been stated to your Committee, that the holders of the three years, Scholarships, having once obtained them, are apt to relax their efforts in their after course. . . .

CHAPTER XII.

PROCEEDINGS OF THE PROVINCIAL BOARD OF EDUCATION, 1850.

February 12th, 1850, The following Communications were laid before the Board at this, its first Meeting in 1850.

(1), From the Masters of the Upper Canada Normal School, reporting their weekly official visits to the Boarding Houses of the students attending the Normal School. (2), From the Secretaries of National Education in Ireland, transmitting eight copies of the "Fifteenth Annual Report of the Commissioners of National Education in Ireland," for the use of the Members of the Board of Education for Upper Canada. (3), From the Secretary of the Province dated the 23rd of January, 1850, in reply to an application from the Chief Superintendent of Education, dated 9th instant, stating that His Excellency in Council had been pleased to order the issue of a Warrant for Two Hundred and Fifty pounds (£250,) the first quarterly instalment of the additional annual grant of One Thousand pounds, (£1,000,) to facilitate the attendance of Students at the Normal School. (4), From Mr. John George Hodgins, Recording Clerk to the Board of Education for Upper Canada, applying for remuneration for extra services rendered to the Board for a period of Two years and eight months.

Ordered, That the thanks of this Board be conveyed by the Recording Clerk to the Secretaries of National Education in Dublin, for their courtesy in transmitting copies of the Commissioners Report for the use of the Members of this Board.

In reference to the application of Mr. John George Hodgins, for an allowance for two years and eight months extra services from the period of his nomination, as Recording Clerk to the Board of Education for Upper Canada up to the time of the appointment of an assistant Clerk in the Education Office for Upper Canada, it was,—

Ordered, That he be allowed the sum of Twenty-five pounds (£25,) per annum for the extra services, and during the period in question.

March 19th, 1850, *Ordered*, That, in addition to the Masters of the Normal School, the following Gentlemen be requested to act as Examiners for the Governor-General's Prize in Agricutural Chemistry in the Normal School, under the General Regulations adopted by the Board on the 20th day of February, 1849, * videlicet :

Messieurs Henry Holmes Croft, Professor of Chemistry in the University of Toronto, E. W. Thompson, President of the County of York Agricultural Associaton, Francis Neale, A.M., late vice-President of the County of York Agricultural Association, and George Buckland, Secretary of the Provincial Agricultural Society.

Ordered, That the Chief Superintendent of Education request that His Excellency Lord Elgin, the Governor-General, be pleased to attend at the Normal School Examination and distribute to the successful competitors the Prizes which His Excellency has been pleased to establish in that Institution.

April 12th, 1850. The Board is deeply impressed with the absolute necessity, under existing circumstances, of erecting Normal School Buildings, in order to accomplish, to an adequate extent, the important objects of the Institution. It is,

Ordered, therefore, That application be made to the Governor General-in-Council to recommend the Legislature, at its ensuing Session, to grant a sum of at least Five Thousand pounds, (£5,000,) for the erection and furnishing of such Buildings, on some convenient Site, which may be appropriated for that purpose. That sum, though less than has been expended in other places for such purpose, while the Board trusts by economical management, be sufficient for the accomplishment of the objects specified.

Ordered, That the Chief Superintendent of Education be requested to transmit a copy of the foregoing Resolution to the Provincial Secretary, to be laid before the Governor General-in-Council, and that the Chief Superintendent press upon the consideration of the Government the great importance of complying with the application of the Board, and point out the great inconvenience at present existing.

The Board having taken into consideration the unsuitableness and inconvenience of the Temperance Hall premises (on Temperance Street) for conducting the Lectures and Exercises of the Normal School, and the many disadvantages attending the continuance of the Institution, in

* These Regulations are printed on pages 252, 253 of the Eighth Volume of this Documentary History.

that Building during the Summer season, and being of opinion, after mature consideration, that a change may be advantageously made in the time of commencing and closing the Sessions of the Normal School, it was, therefore.—

Ordered, That the Vacation following the present Session shall be prolonged until the first of September next, and that the Session commencing at that time, shall continue during the ensuing nine months, and until the end of May, 1851.

The Board assuming that Teacher's Institutes are about to be established according to law. it was,—

Ordered, That the Masters of the Normal School be authorized to employ about three months, between the middle of May and September next, in attending and conducting Teachers' Institutes, or Associations, in the Counties of Upper Canada :—each Master to be accompanied and aided by a Student of the Normal School,—according to such Regulations and Instructions as shall be prepared by the Chief Superintendent of Education.

The Board being anxious to adopt such measures as appear best calculated to render the training of the Normal School as thorough as possible, and thus to diffuse its advantages over every County in Upper Canada, as equally and as widely as possible, adopt the following Regulations in regard to the duration of the future Sessions of the Normal School ; and the mode and terms of admitting and facilitating the attendance of Students at that Institution :—

1. There shall be, during each twelve months, one Session, of the Normal School, which shall commence on the First day of September, and close on the last week in the May following.

2. No male Student shall be admitted under eighteen years of age, nor a female Student under the age of sixteen years; nor unless, in addition to the qualifications heretofore specified for admission, (namely to read and write intelligibly and understand the simple rules of Arithmetic,) each, Student be acquainted with the Elements of Geography and English Grammar.*

3. The weekly aid of five shillings, heretofore allowed by the Board to each approved Student, to facilitate his, (or her), attendance at the Normal School, shall be extended hereafter, to a period of nine months, but under the following Regulations :

First. Such Students shall be admitted from the several Counties and Representative Cities and Towns of Upper Canada in proportion to the number of Representatives in the Legislative Assembly, namely three for every County Member, and two for every Member of a City and Town. The Township Superintendents of Common Schools are requested to meet not later than the first Tuesday in August, (at least to the number of three,) at 10 o'clock A. M. in the County Town, to examine candidates for admission to the Normal School during the ensuing Session, in accordance with the Terms of Admission prescribed by this Board in 1847,† recommend such as they shall judge qualified for admission and worthy of the facilities of attendance afforded by this Board,-arranging such approved Candidates in the order of merit, inserting the names of whom they recommend, (how many soever there may be), and forthwith transmitting their names to the Chief Superintendent of Education

Second. Should any County, City, or Representative Town, not avail itself of the facilities here offered, a sufficent number of approved Candidates will be admitted from other places, beyond the proportion of Candidates above specified, and should the complement of one hundred and twenty, (120,) Students be not thus recommended, the Board would receive a sufficient number of approved Candidates, on examination, as heretofore, at the commencement of the Session.

Ordered, That the foregoing Resolution is not to limit the number of Teachers-in-training to be admitted on their personal application, (duly recommended,) to the Normal School, to free tuition and the use of Text Books, but without the addition of any allowance for board and lodging for the Session.

Ordered, That, in future no private pupils be received into the Normal School, but that the Institution be confined exclusively, to the instruction of Teachers-in-training, under the regulations already established, and that the rules applicable to paid, or private, pupils, adopted in 1847,‡ be hereby rescinded.

Ordered, That the Chief Superintendent of Education be requested to amend the Regulations for the Normal School, as modified by the foregoing Resolutions, and, when so amended, to get them printed. Every thing in the former Regulations inconsistent with the foregoing Resolutions being hereby rescinded.

May the 25th. 1850. The subject of erecting Buildings for the Normal and Model Schools, and the Education Office for Upper Canada having been under the consideration of the Board, it was—

Ordered, That the Chief Superintendent of Education be pleased to request Mr. F. W. Cumberland, the Architect, to furnish the Board with an estimate of the probable expenses of a Building, similar, in its general features, to the New York State Normal School at Albany.

* The former Regulations relating to the Normal School will be found on pages 92, 96, 279 and 282 of the Seventh Volume of this Documentary History.

† Printed on page 92 of the Seventh Volume of this History.

‡ See Page 92 of the Seventh Volume of this History.

Ordered, That the Chief Superintendent of Education be authorized to advance, out of the Normal School Fund, the sum of One pound currency per diem, as travelling expenses to each of the Masters of the Normal School, for the actual time, during which they may be engaged in holding Teachers' Institutes in the several Counties of Upper Canada.

July 12th, 12th, 1850. A Communication from Mr. F. W. Cumberland, Architect, was laid before the Board, estimating the expense of erecting a Normal School Building, similar to the one at Albany, State of New York, at Six Thousand pounds, (£6,000,) and offering some suggestions on the subject.

The subject of the erection of suitable buildings for the Normal and Model Schools having been again brought under the notice of the Board, and, as upon further consideration, it was deemed advisable to modify, in some measure, the views entertained in passing the Order, or Resolution of the 12th of April last, so as to afford accommodation in the proposed Building for a Female, as well as Male, Model School, Education Offices, and School of Art and Design,—keeping in view also the prospective advancement of the Country in population and Educational interests, it was considered, in the absence of any definite information, that, in order to accomplish these objects, and to furnish the Buildings, enclose the Grounds, and meet other contingent expenses, exclusive of the cost of the Site, the sum of Ten Thousand pounds, (£10,000,) in all probability, would be requisite ;—and that the Chief Superintendent of Education be, therefore, authorized to transmit to the Executive Government a copy of this Minute, urging it upon the most favourable consideration and immediate attention of the Government.

The question of a suitable Site for the erection of the contemplated Normal Institution having been discussed, and information given that a square of six and a half acres, situated on King Street, South of the Hospital Block, belonging to Mr. Andrew Mercer, was for sale, and although the value set upon it was Ten Thousand pounds, (£10,000), yet the proprietor would be willing to dispose of it for the sum of Eight Thousand pounds, (£8,000,) in view of the proposed object, it was considered that in the event of no suitable and convenient Site being in possession of the Government, and as the square alluded to would serve the purpose of illustrating the course of instruction in Agricultural Chemistry, and afford grounds for a Botanical Garden, the Chief Superintendent of Education should bring the matter before the Executive Government, in connexion with the application for a grant for the proposed Buildings.

The Provincial Board of Education merged into the Council of Public Instruction for Upper Canada, 1850.

July 27th, 1850. The enlarged Council of Public Instruction for Upper Canada, appointed by His Excellency the Governor General this day, and summoned by the Chief Superintendent of Education for Upper Canada, under the authority of the 37th Section of the new Common School Act of 1850, 13th and 14th Victoria, Chapter 48, met this morning at 10 o'clock.

The following are the Members of this newly appointed Council of Public Instruction :—

The Reverend Egerton Ryerson, D.D., LL.D. The Right Reverend François Marie de Charbonnel, D.D. The Reverend Henry James Grasett, M.A. The Honorable Samuel Bealey Harrison, Q.C. Hugh Scobie, Esquire. Joseph Curran Morrison, Esquire. James Scott Howard, Esquire. The Reverend John Jennings, D.D. The Reverend Adam Lillie, D.D.

On the motion of the Chief Superintendent of Education, seconded by the Reverend Henry James Grasett, M.A., the Honourable Samuel Bealey Harrison, Q.C., was appointed Chairman of the Council of Public Instruction for Upper Canada.

Ordered, That all Regulations, Appointments, Agreements and Orders made by late Board of Education for Upper Canada, be, and are hereby confirmed, until rescinded, or modified, by this Council.

The Chief Superintendent of Education, submitted a copy of the new Regulations for the organization, Government and Discipline of Common Schools in Upper Canada, for the consideration of the Members of the Council.

The Chief Superintendent of Education submitted the following Letter, which he had received from the Honourable Francis Hincks, in regard to the proposed Site of the Normal School and Education Department :—

I have heard, that the late Mr. Alexander Wood's Twenty-six acres on Yonge Street are to be sold, and that they can be got for very low terms, for a Normal School Site. I would advise you not to lose any time in looking after them. Mr. Crookshank is the agent ; but he has employed Mr. Hagarty, and they have been valued at One Hundred pounds, (£100,) per acre, which is not half its value. They will likely be bought at once ; and I think for a public purpose a preference should be given to them. I am told the land is good.

Toronto, 22nd July, 1850. Francis Hincks.

July 29th, 1850. The General Regulations for the Organization and Government of Common Schools in Upper Canada, submitted by the Chief Superintendent of Education at the last Meeting of the Council of Public Instruction were discussed, and the further consideration of them postponed until the next meeting.

August 5th, 1850. Ordered, That the Recording Clerk prepare a copy of all Standing Rules, or Orders, passed by the late Board of Education and submit it for the inspection of the Council, in order that it may judge what alterations, or Amendments may with propriety be effected therein.

Ordered, That the General Regulations for the Government of Common Schools, now submitted and amended, be adopted and furnished, in conformity with the Common School Act of 1850, 13th and 14th Victoria, Chapter 48, Section 35 and 38 Clause Four. (They are printed in a separate Chapter of this Volume)

August 8th, 1850. The Chief Superintendent of Education having brought before the Council the recommendatory clause of the General Regulations and Instructions, (Section Five, Number 1,) adopted at the last Meeting of the Council, relating to the employment of Teachers by Trustees, qualified to lead the Devotional Exercises of the Schools, and their opening them by Prayer and the reading the Scriptures, it was, on due consideration, considered expedient to omit that Clause for the present.

With a view to carrying into immediate effect the provisions of the Second and Third Sections of the Thirty-eighth Section of the new School Act of 1850, in reference to procuring Plans and Specifications for the erection of the Normal and Model Schools, and Education Offices, and also purchasing a Site for such erection, it was,—

Ordered, That the Chief Superintendent of Education and Mr. James S. Howard and the Reverend John Jennings be a sub-committee to make the necessary inquiries, reporting thereon to the Council at its next meeting. To this Sub-Committee was referred the Letter of the Honourable Francis Hincks of the 22nd ultimo, on the subject of the Wood's property.

August 20th, 1850. The Sub-Committee of inquiry regarding Sites for the Normal School and Education Office Premises, appointed at the last Meeting of the Council, reported the following places and prices of property visited by them, videlicet :—

	Price.
1. Mr. Sheriff Jarvis, Rosedale Property, containing 100 acres and Buildings...	£15,000
2. Caer Howell, West of the College Avenue, six acres.....	4,600
3. Mr. James McCutcheon, Agent for the Honourable Peter McGill, Montreal, 7½ Acres, bounded on the North by Gerrard Street, on the South by Gould Street, and on the West by Victoria Street, and on the East by Church Street.....	5,000
4. Mr. Thomas Ewart, 6½ Acres on Jarvis Street, North.....	3,500
5. Mr. Andrew Mercer, Six acres on King Street West, opposite the Toronto Hospital.....	8,000
6. Mr. Alexander Wood, Twenty-Six Acres on Yonge Street, at (£25), One Hundred dollars an acre.....	6,500

The Council having received the foregoing Report of the Sub-Committee, relative to the procuring of a Site for the Normal and Model School and Education Office Premises it was,—

Ordered, That the Chief Superintendent of Education be authorized to offer to Mr. James McCutcheon the sum of Four thousand, five hundred pounds, (£4.500,) Halifax currency, for the Square described in the Schedule as number three, bounded by Gerrard, Goold, Victoria and Church Streets in the City of Toronto ; and, in case of refusal on the part of Mr. McCutcheon, to confer with the Honourable Peter McGill of Montreal, and report to the Council the result of such conference.*

The Report of the Chief Superintendent of Education on behalf of the Sub-Committee appointed at the last meeting of the Council, on the subject of Designs for the new Normal and Model School Premises, having been laid before the Council and considered, the Council directed that the following notice be inserted twice in the *British Colonist* and *The Globe* newspapers, Toronto, and in the *Montreal Gazette* :

The Council, of Public Instruction for Upper Canada, is prepared to receive Plans and Designs for the new Provincial Normal School, with Model Schools attached, and Education Offices, to be erected in the City of Toronto, on a Square of not less than Six Acres of Ground, and in accordance with the subjoined Memorandum, videlicit :—

* Before making this offer to Mr. McCutcheon, Doctor Ryerson asked me to accompany him in taking a walk over the lot, so as to enable him to make up his mind fully on the desirability of the Site for the proposed Buildings, and as to the spot on which these Buildings should be placed. I did so ; and he fully satisfied himself as to the expediency of the proposed purchase. He left for England a few days afterwards, so that under the direction of the Council I completed the details of the purchase and signed the cheque for £4,500, the amount of it.

Memorandum: The Designs to consist of Plans, Elevations and Sections, of such number, and to such a scale, as may be thought necessary for the full delineation of the work.

The leading features of the accommodation required will consist of,—Entrance Halls; Reception, or Visitors Room; Four Class Rooms for Normal School;—one of which shall be adapted for Public Examinations; Model School for Female Pupils; Offices for Council of Public Instruction and Chief Superintendent of Education and Clerks; embracing five rooms, with fire-proof vault for Records; Museum; Laboratory; Library; Rooms for School of Art and Design; Housekeeper's Apartments. The number of male and female Students in Normal School estimated at 200; Model School for females to accommodate 300; and Model School for males to accommodate 300.

Provision to be made for warming and ventilating the Building.

The total cost, including Apparatus for Warming and Ventilating, the Fencing, Draining, Entrance Gates and Roads, and all expenses connected with the completion of the Building fit for use, not to exceed £8,000.

The Architect, whose Design shall be adopted, will be engaged to superintend the erection of the structure and work, and the Council is prepared to award the following premiums to the authors of other Designs of merit, videlicet:—

For the second best design £50. For the third best Design £30. For the fourth best Design £20.

Each Design must be accompanied by an Explanatory Report and Estimate, and by Specifications of the proposed work. The Designs to be delivered at the Office of the Chief Superintendent of Education, Toronto, on, or before, Monday, the 23rd day of September next, at ten o'clock, A.M.,—After which no design will be received.

Any further particulars desired, may be obtained at the Education Office, Toronto.

By Order of the Council of Public Instruction for Upper Canada.

TORONTO, April 21st, 1850. J. GEORGE HODGINS, Recording Clerk.

The Chief Superintendent of Education having laid on the Table Letters from the Irish National Board of Education, recommendatory of Mr. Patrick Walsh, in connection with his desire to be employed as a Teacher of Hullah's System of Vocal Music in the Normal and Model Schools, it was,—

Ordered, That the Chief Superintendent be authorized to engage the said Patrick Walsh, on trial, commencing with the next Session of the Normal School, at the rate of One pound per week, while engaged in teaching.

Ordered, That the Chief Superintendent of Education be authorized to make the necessary arrangements with the Committee of the Temperance Society for renting the Temperance Hall for the exercise of the Normal School, during the next Session, and to have the necessary fittings executed.

September 7th, 1850. The following Communications were laid before the Council: From Mr. James McCutcheon, dated the 21st. of August, stating that the offer of the Council of Public Instruction for the site of the Normal School would be referred to the Honourable Peter McGill Montreal for consideration.

From Mr. James McCutcheon, Agent for the Honourable Peter McGill, dated the 31st of August, stating that the offer of the Council of Public Instruction for Four Thousand Five Hundred pounds, (£4 500,) for the site of the proposed Normal School would be accepted, conditional upon giving the Honourable Peter McGill one year from the 31st of August, 1850, to remove the houses erected on it. It was then,—

Ordered, That the Honourable Peter McGill's terms be accepted, and that Mr. Joseph Curran Morrison, M. P. P., be requested to wait upon the Honourable Robert Baldwin, Attorney-General (West,) for the purpose of making arrangements to have the title for the site of the Normal and Model Schools and Education Offices Premises, vested in the Crown.

A number of the former students of the Normal School having applied to be admitted on equal terms with those being now admitted it was,—

Ordered, That, including the five months allowance of weekly aid, already granted, assistance for an entire Session of nine months be allowed to any of the former Students of the Normal School, who may apply for admission, and who may be received therein

Ordered, That the course of Instruction and Lectures in the Normal School be considered and definitely fixed; and that a Syllabus thereof, stating the hours and subjects of lectures and including the Time Table of the Model School be prepared and printed.

The Chief Superintendent of Education, having purchased, (during the recent tour in the United States an official business connected with Common School Libraries), some very superior Apparatus, The Council deem it advisable to procure the same for the Normal and Model Schools, at a cost of £33,5,0.

September 24th 1850. The Letter of the Chief Superintendent of Education to the Honourable James Leslie, Secretary of the Province, dated the 20th instant, and requesting the issue of Debentures for the full amount of the Fifteen Thousand pounds (£15,000) granted by Act of Parliament, last session, for procuring a Site and erecting Buildings for the proposed Normal and Model Schools and Education Offices, was read, as follows :

I have the honour to request, on behalf of the Council of Public Instruction for Upper Canada, that His Excellency the Governor-General will be pleased to direct the issue of Debentures for raising the sum of Fifteen Thousand pounds, (£15,000,)—pursuant to the provisions of an Act passed during the late Session of the Legislature appropriating that sum for the procuring a site and erecting Buildings for the Provincial Normal School and Education Offices.

A site of Seven acres and a half of Land has been procured in a very central situation in the City, for Four Thousand Five hundred pounds, (£4,500,)—the Plans of the Buildings are to be prepared and laid before the Council by competing Architects on the 23rd instant, and it is intended to give out the Contract for their erection in the course of a fortnight, with a view of having the materials for the foundation procured before the close of navigation, much of the wood work done during the Winter and the structure completed by the 1st of next August, 1851.

By giving out the Contract at this season of the year, it is believed that the Buildings will be erected cheaper than if commenced at any other season of the year.

TORONTO, 20th September, 1850. EGERTON RYERSON.

The Plans, Specifications, Explanatory Reports, and Estimates of the following Architects for a Normal and Model Schools and Education Offices were received and opened for the inspection and consideration of the Council, videlicet :—

Messieurs William Thomas; Cumberland and Ridout; Thomas Young; John Tully and David Clyde, Toronto ; Mr. George Browne of Montreal.

The Council, having carefully examined the Plans and Explanatory Reports of the foregoing Architects, in connexion with the objects and character of the proposed Institution, as specified in the advertisement Notice on pages 159, 160 it was,—

Ordered, That the Plans of the interior arrangements of the proposed Normal School Building furnished by Messieurs Cumberland and Ridout, together with either of the Elizabethan, or Roman Doric Designs submitted, be selected, provided the works can be finished for the sum mentioned in the Estimate given in by those Gentlemen, (£7,860). It was also further, —

Ordered, That the premium of Fifty pounds for the second-best design be awarded to Mr. George Browne of Montreal ; the premium of Thirty pounds for the Third best design to Mr. William Thomas of Toronto ; the premium of Twenty pounds for the Fourth best design to Mr. Thomas Young, of Toronto; and that, in consideration of the excellence of the Design furnished by Mr. John Tully of Toronto. that a premium of Twelve pounds, ten shillings for the Fifth best Design, be awarded to Mr. Tully.

September 25th, 1850. The Chief Superintendent of Education reported, in reference to the issue of Debentures for the Fifteen Thousand pounds, (£15,000), granted by the Legislature for procuring a Site and erecting Buildings for the Normal and Model Schools and Education Offices, that the Inspector General had disposed of Seven Thousand Five hundred pounds, (£7,500,) worth of the Debentures, and that that sum was at the disposal of the Council, it was,—

Ordered, That the Chief Superintendent be authorized to apply to the Government, in the terms of the "Supply Act" of last Session, for the proceeds of the Debentures already converted into cash ; and also for the balance of the Fifteen Thousand pounds, (£15,000), in Debentures, and make such arrangements, as may appear most advantageous to him, to place the entire sum at interest in one of the Banks.

Ordered, That the Roman, Doric, (or Palladian,) Elevation submitted by Messieurs Cumberland and Ridout be adopted as the Architectural style of the proposed Normal School and Education Office Building ; and that the Chief Superintendent of Education and Mr. James Scott Howard, be appointed a Sub-committee to confer with the Architects, and determine with them, upon the enlargement of the Lecture Rooms in the Normal School, and upon certain other alterations in the details of the Buildings.

The Council, having taken in consideration the additional duties devolving upon the Masters of the Model School, in consequence of the increased attendance of Students, (from 150 to 300), for which provision was made on the 22nd day of May, 1849, by the late Board of Education for Upper Canada,* it was,—

Ordered, That the salary of Mr. Archibald McCallum, the Senior Master of the Model School, be increased from One Hundred pounds, (£100), per annum to One Hundred and twenty-five

* See page 255 of the Eighth Volume of this Documentary History.

pounds, (£125,) per annum, and of Mr. John H. Sangster, the Assistant Master, from Seventy-five pounds per annum (£75,) to One Hundred pounds, (£100,) per annum,—the increase of Salary to commence on the first day of October, One Thousand, Eight hundred and Fifty, (1850)

October 1st, 1850. There being no quorum present, no business was transacted.

October 3rd, 1850. Ordered, That the modified plan of the internal arrangements of the Normal School, prepared and now submitted by the Architects, (Messieurs Cumberland and Ridout,) be adopted, and, that those Gentlemen be instructed to prepare forthwith Working Drawings of the Building, and take the necessary steps to procure Tenders for its erection;—which Tenders are to be sent in to the Educat on Office.

Ordered, That the Normal and Model School and Education Office Building be erected on the Square purchased from the Honourable Peter McGill, with its front elevation to the South facing the Bay ; and that the Building be placed at such a distance from Goold Street as to admit of a parallelogram of four acres, clear from its North line.

Ordered, That, if agreeable to the Government, Warrants for the Fifteen Thousand pounds, (£15,000), granted by the Legislature to procure a Site and erect Buildings for a Normal and Model School and Education Office, be made out in the name of the Cashier of the Bank of Upper Canada, and, when received by him, placed in that Bank to the credit of the Council of Public Instruction for Upper Canada,—such moneys to be checked out, from time to time, by cheques signed by the Chief Superintendent of Education, under the order of the Council, and that the Chief Superintendent communicate this Order to the Government, and to the Bank of Upper Canada.

Ordered, That the Chief Superintendent of Education be authorized to pay the premiums awarded by the Council to the successful competing Architects for the Plans of the Education Buildings, as soon as the money is placed in the Bank of Upper Canada, and at the disposal of the Council.

The Chief Superintendent of Education, having intimated that he was about to visit Europe, on business connected with School Libraries, the Council deem it advisable to place at his disposal the sum of One Hundred and Fifty, (£150,) to Two hundred pounds, (£200,) to be expended in School Apparatus, Maps, or Models, for the Normal and Model Schools, in case the Chief Superintendent should meet with any of an appropriate and useful character.

The further consideration of the Programme for the Examination and Classification of Teachers of Common Schools by the new County Boards of Public Instruction in Upper Canada was resumed from a previous Meeting of the Council. (Page 159). The Programme as amended was adopted. (For this Programme, see a subsequent Chapter of this Volume).

Ordered, That Students of the various professions be admitted to attend the General Lectures of the Normal School, and that the fee for such attendance be One pound Five shillings per Session.

October 18th, 1850. A Letter was received from Mr. Thomas G. Ridout, Cashier of the Bank of Upper Canada, stating the terms upon which the Bank would receive the money deposits of the Council.

A Letter was also received from the Honourable James Leslie, Secretary of the Province, dated the 14th instant, stating that, upon the requisition of the Council of Public Instruction, His Excellency the Governor General would be prepared to issue Warrants for any sums required by the Council of Public Instruction for Upper Canada, pending the negotiations of the remainder of the Debentures for the Fifteen Thousand pounds, (£15,000), granted to erect a Normal School and Education Buildings in Toronto.

Letters were received from Messieurs Robertson and Hind, Masters of the Normal School, reporting their proceedings in establishing preliminary Teachers Institutes in the different Counties of Upper Canada.

The following Documents, containing the official appointments of the Recording Clerk as Deputy Superintendent of Schools for Upper Canada during the absence of the Chief Superintendent of Education were submitted to the Council and acknowledged. The Documents were as follows :

(Seal) As authorized by the Common School Act of Upper Canada for 1850, 13th and 14th Victoria, Chapter 48, Section 48, Clause 6 ;* I hereby appoint John George Hodgins, Esquire, Senior Clerk in my Office, as my Deputy, to perform my Duties during my absence on an Official Tour in the United States.

EDUCATION OFFICE,
TORONTO, August 24th, 1850.

EGERTON RYERSON,
Chief Superintendent of Education for Upper Canada.

* This Act is printed on page 46 of this Volume.

(NOTE.—Another similar Document was signed by Doctor Ryerson on the 8th of October, 1850, when he left Canada, (on that day,) for an "Official Tour in the United States and Europe)"

The Recording Clerk submitted an abstract of the Standing Rules and Orders and of the late Board of Public Education for Upper Canada, in accordance with a Minute passed by the Council on the 5th of August last.*

The Letter of the Honourable James Leslie, Provincial Secretary, of the 14th October, 1850, relating to the appropriation of Fifteen Thousand pounds, (£15,000), for the procuring of a Site and the erection of Buildings for a Normal and Model School and Education Offices, having been submitted to the Council, it was,—

Ordered, That the Deputy Superintendent of Education communicate with the Government, and request a Warrant to issue, in favour of the Cashier of the Bank of Upper Canada, for Seven Thousand Five hundred pounds. (£7,500), the amount of the Debentures already negotiated for the purpose contemplated, as intimated to this Council on the 25th ultimo ; (page 161.)

The Memorial of Messieurs Robert and Adam Miller, of Montreal, under date of the 5th of October, 1850, was laid before the Council, announcing their intention to publish the School Books, issued by the Commissioners of National Education in Ireland, and being desirous of promoting their circulation in Western Canada, request permission to use the words "Authorized by the Board of Education for Upper Canada," it was,—

Ordered, That the required permission be granted to those Gentlemen, upon the conditions which they have proposed, and that the Deputy Superintendent of Education communicate this Order to the Messieurs Miller, substituting the words : "Authorized by the Council of Public Instruction for Upper Canada," for : "Authorized by the Board of Education for Upper Canada."

November 15th, 1850. A Letter was read from the Honourable Robert Baldwin, the Attorney General, West, dated the 26th ultimo, stating that he had been in communication with the Honourable Peter McGill's Solicitor on the subject of the title to the new Normal School and Education Premises, and that he had reported to the Honourable Sir Francis Hincks, Inspector General, thereon.†

A Letter from Miss A. M. Wallace, Woodstock, dated the 11th instant, was read, also an application by the Honourable Francis Hincks, on behalf of a young Woman, requesting that she be admitted to the Normal School.

The Deputy Superintendent of Education laid before the Council a Document drawn up by the Masters of the Normal School, containing a sketch of the Course of Instruction pursued in the Normal School and also a Syllabus of the hours and subjects of Lecture.

Ordered, That Miss A. M. Wallace, of Woodstock be admitted for the remainder of the Session, provided that, upon examination, she be deemed qualified to enter the advanced classes of the Institution ; also, that the young Woman, on whose behalf the Honourable Mr. Hincks, had applied, be received upon the same conditions.

November 18th, 1850. The following Communications were laid before the Board :—

(1) From the Honourable Francis Hincks, Inspector General, authorizing the Chief Superintendent, upon the delivery of the Deed of the Normal School and Education Offices Site, to pay to the Honourable Peter McGill or his Attorney, the consideration money of Four Thousand Five hundred pounds, (£4,500,) the sum named in the Deed of Surrender of this Property to the Crown by the Honourable Mr. McGill. (2) From Messieurs Cumberland and Ridout, Architects, dated the 18th instant, explaining the cause of delay in giving notice for Tenders for the erection of the Normal School and Education Office Building.

The Deed surrendering the Site of the new Normal and Model Schools, and Education Offices, to the Crown, with the Documents relating thereto, together with the Letters of the Attorney and Inspector General, approving of the same, having been submitted to Council, it was,—

Ordered, That payment of the consideration money named in the Deed, amounting to Four Thousand Five hundred pounds, currency, (£4,500,) be made by the Deputy Superintendent of Schools to Mr James McCutcheon Agent of the Honourable Peter McGill of Montreal, on the Power of Attorney given to Mr. McCutcheon by Mr. McGill, and handed in by Mr.

* These Standing Rules and Orders, being local, and somewhat temporary in their character, are not inserted in this Volume.

† In a private Letter to Doctor Ryerson, then in England, dated the 31st of October, 1850, I said :—

"I have sent a copy of the Minute of the Council referring to the title of the Normal School Site to the Honourable Mr. Baldwin, as I understood that he wished to have some official intimation of the wishes of the Council on the subject. He replied, stating that he had been in communication with Mr. Clarke Gamble, the Honourable Mr. McGill's Solicitor, and had reported to the Inspector General thereon."

McCutcheon to the Council ;--and the Deputy Superintendent of Schools take the necessary steps for the County and Provincial Registry and safe custody of the Deed *

The following Letter was sent, with the " Deed of Surrender," to the Assistant Provincial Secretary :—

I have the honour to transmit herewith, for record to the Provincial Register's Office, a Deed of Surrender from the Honourable Peter McGill of Montreal to Her Majesty the Queen, of the property recently purchased by the Council of Public Instruction for Upper Canada ; for a Site of the Normal and Model Schools and Education Office.

The consideration money specified in the Instrument was Four Thousand five hundred pounds, (£4,500). It has been paid by me, as authorized by the Council, and the Deed has been recorded in the Office of the Registrar of the County of York.

TORONTO, 22nd November, 1850. J. GEORGE HODGINS,
Deputy Superintendent of Education.

December, 4th, 1850. The following Communications were laid before the Council :—From the Honourable James Leslie, Provincial Secretary, acknowledging the receipt of the Deed of Surrender of the Normal and Model Schools and Education ; also from sundry persons, asking the permission of the Council to use Olney's Geography and Adam's Arithmetic.

The Architects, Messieurs Cumberland and Ridout, submitted the Working Drawings of the New Education Building, as improved and enlarged. A discussion having taken place as to the advantages of an extension of time, for the finishing of the work, in was,—

Ordered That the following advertisement for Building Tenders be inserted in *The British Colonist* and *The Globe*, Toronto *The Spectator*, Hamilton, and *The Pilot*, Montreal, and that the whole Building be completed by the first of December, 1851.

TENDERS FOR BUILDING THE NEW NORMAL AND MODEL SCHOOLS AND EDUCATION OFFICE TORONTO.

Tenders are required for erecting the new Education Building in the City of Toronto, in accordance with certain Plans and Specifications prepared by Messieurs Cumberland and Ridout, Architects, to be seen at their Offices on and after the first day of January, next.

Sealed Tenders, endorsed, " Tenders for Normal and Model Schools, and Education Office," addressed to Mr. J. George Hodgins, Deputy Superintendent of Education, to be delivered at the Education Office, Toronto, on, or before, the 15th day of January, 1851, at 10, o'Clock A. M. after which no Tender will be received. The Council of Public Instruction for Upper Canada will not be pledged to accept the lowest Tender, unless it is in all other respects satisfactory.

TORONTO 4th of December, 1850. J. GEORGE HODGINS,
Deputy Superintendent of Education.

Ordered, That the Students of previous Sessions of the Normal School, applying for admission during the present Session, shall be received and allowed five shillings per week, until the end of the Session, provided that, upon examination, they be found qualified to take their place in the classes of the Institution formed last September.

Ordered, That from the 24th December, 1850, until the 2nd of January, 1851, be allowed as a Vacation in the Normal School, and that the Students have their usual weekly payment continued for that period.

*In my Letter to Doctor Ryerson, then in England, dated the 21st of November, 1850, I said.—"The arrangements with Mr. McCutcheon as to the Site has been completed. He called a few days ago, and I went up with him to the Office of the Inspector General, to see if all was right. Mr. Hincks examined the Deed, which was made out to Her Majesty, as I had suggested, He pronounced everything correct. The Attorney General had already done so, when he examined the Deed itself. I asked Mr. Hincks to address a Letter to the Department authorizing you to pay the Four Thousand Five Hundred pounds (£4,500,) for the Normal School and Education Office Site, on the delivery of the Deed at the Office.

I then called a Council Meeting, and laid all the documents before them. They were approved, and I was directed to pay the consideration money, I therefore gave Mr. McCutcheon a cheque for the Four Thousand Five hundred) pounds, (£4,500), Mr. McCutcheon had a printed form of Power of Attorney filled in by the Honourable Peter McGill, (exactly like the one that you gave me,) which I submitted to Mr. Hincks, before paying the money, Mr. Hincks approved of it, and I signed the Cheque. On payment of the amount, Mr. Joseph C. Morrison wrote a receipt on the back of the Power of Attorney which Mr. McCutcheon signed and I witnessed.

After the Board Meeting, I took the Deed to the County of York Registry Office, and left it for Registration. After registering it there I intend to take it to the Secretary's Office for registration, under the Great Seal of the Province, and then to deposit it in the Crown Lands Office.

CHAPTER XIII.

THE CHIEF SUPERINTENDENT'S SCHOOL REPORT FOR 1850.

In the fulfilment of one of the duties, which the law imposes upon me, I have the honour to submit to Your Excellency a Report of the actual state of the Normal, Model and Common Schools throughout Upper Canada in 1850 ; showing the amount of moneys expended in connexion with each, and from what sources derived, with such statements and suggestions for improving the Common Schools and promoting Education generally, as appear to me useful and expedient.

The public mind was in a state of suspense as to the (Cameron) School Law during the first six months of the last year. The present School Act became law in July 1850 ; but it was near the close of the year before the Act, with the requisite Forms and Instructions, could be generally distributed. The last school year was, therefore, one of uncertainty and transition. Though the general provisions and principles of the present Act are the same as those which have been in operation for several years,—only rendering their details more simple, comprehensive and complete ; yet the introduc ion of a new Act, under the most favourable circumstances, during the latter part of a school year, must necessarily interfere with the efficient operations of such year, and render its returns somewhat imperfect. But, with this deduction, I am happy to be able to say, that the results of the past year's School operations compare favourably with those of preceding years.

Before proceeding to notice some of those results, as exhibited in the subjoined Statistical Tables, ... I desire to observe, that the copious extracts from local School Reports, which will be found in the Appendix to this Report,* reflect fully the sentiments and feelings of the Country at large, and the actual workings of the School Law, ... ; and I am also relieved from the necessity of remarking upon the general features of the School System, by the several Documents given in the Appendix, which includes the new School Act itself,† and a practical exposition of its principles and provisions, as well as the Regulations and Forms, which have been prepared for carrying it into effect by all parties concerned in its administration.

I. Rural School Sections and Schools in Upper Canada, 1850.

A School Section is an area of country of from three to five square miles, intended for one School, but, in which, under certain restrictions, both a male and female School may be established. Each Section is constituted into a School municipality, the inhabitants of which elect three Trustees, and support their School in the manner they think best. From table A, (in the Appendix) . . . . it appears that there were 3,407 School Sections reported in 1850, being an increase of 371 over the returns of the preceding year. Each of these School Sections includes, on an average, 76 children between the ages of 5 and 16 years. Schools are reported to have been in operation in 3,059 of these School Sections,—being an increase of 188 over the number of Schools reported last year ; but leaving 371 Sections in which no Schools were in operation in 1850, or from which no rep rts have been received.

The average number of pupils attending each School was 49, the average time of keeping open the Schools during the year was a fraction over nine months. The average period, during which the Schools were kept open in the State of New York, during the last year was eight months, and the average number of children between 5 and 16 years of age resident in each School Section there was 65, but the average attendance of pupils of all ages at each School was reported as 71, though nearly one-third of that number was reported to have attended the Schools less than two months.

The smallness of School Sections is a common and serious evil complained of in the neighbouring States. The desire of each head of a family to get the School as near as possible to his own door, has operated extensively to create small School Sections, thereby causing a large increase of expenses, or, which is commonly the case, causing small and feeble and badly furnished Schools, low salaries, and therefore inferior Teachers. With us, there has been a tendency in the same direction, and much evil has arisen from frequent changes in the boundaries of School Sections, and from reducing them to too narrow limits. The present Act of 1850

* These Reports are too voluminous to be inserted in this Volume. They extend to over forty printed pages, and are inserted in the Appendix to the Journals of the House of Assembly for 1850.

† This Act is published separately in Chapter II of this Volume, pages 31-49.

opposes an obstacle to this evil, by preventing changes from being made without full notice to all the parties affected by such changes, and without their consent, in case of the union of School Sections, and by not permitting them to take effect in any instance except at the commencement of the year.

It is a result, established by a large investigation of facts, that pupils residing at the greatest distance from their School make, on an average, the greatest improvement. It is quaintly, but justly, remarked, in the last Massachusetts Report :—

"We think the judicious course is to have large School Houses, large Teachers, long School terms ; and, in order to this, there must be large districts, [or what we, in Upper Canada, designate Sections]. We insist that unskilful, inefficient, Teachers are a nuisance in any School district. They do vastly more hurt than good ; and where a School is put up to the lowest bidder, it will soon morally and intellectually resemble the field wisely described as all grown over with thorns."

II. Receipt and Expenditure of School Moneys

Table A shows that the total amount received and available for Teachers' salaries last year, was £88,478, and that the sums paid for the erection and repairs of School Houses, (an item not heretofore reported,) amounted to £14,189 making a total of £102,725 (or $410,900. The same Table shows the manner in which these sums have been provided. They are a little in advance of the receipts of the preceding year.

III. Number of Children of School age Attending the Schools.

Table B shows that the number of children, between the age of 5 and 16 years, reported last year, was 259,258,—being an increase on the returns of 1849 of only 5,894. The number reported as attending the schools in 1850 was 151,891, being an increase of 14,258 on the number reported as attending the Schools in 1849. The increase in the number attending the Schools in 1850 is highly gratifying ; but, after making a liberal allowance for the numbers attending Private and Grammar Schools and Colleges, and, therefore, not included in the Common School Reports, these Returns present us with the painful and startling fact, of nearly one hundred thousand (100,000,) children of School age in Upper Canada, not attending any school ! This awful fact furnishes a hundred thousand arguments to urge each friend of Canada, each friend of virtue, of knowledge and of civilization, to exert himself to his utmost, until the number of children attending our Schools shall equal the number of children of school age.

The whole number of boys attending the Schools was 85,718, the whole number of girls was 66,173. The total average attendance of pupils during the Summer, was 76,824 ; during the Winter months, 81,469. The average attendance of boys during the Summer was 41,178; during the Winter, 48,308. The average attendance of girls during the Summer was 35,040 ; during the Winter, 33,161.

These Returns show an increase of some thousands over the average attendance of the preceding year. There are doubtless many more girls attending Private Schools than boys. This will probably account for the disparity between the number of boys and girls attending the Public Schools. These Returns show that there is very little difference in the average attendance of girls during Winter and Summer. They also show that the average attendance of pupils, as compared with the whole number of pupils, is little more than one-half ; it is less than one-half in the State of New York. I doubt not but the provision of the present Act to distribute the School Fund to the several School Sections according to the average attendance of pupils in each School, (and not according to school population, as heretofore),—the mean attendance of Summer and Winter being taken,—will contribute very much to increase the regular attendance at the Schools, and to prolong the period of their duration each year.

IV. Classification of Pupils, and Subjects Taught, in the Schools.

The statistics under these heads will be found in Table B. In Reading, the pupils are divided into five classes according to the five National Readers. Table B shows that in the first, or lowest, reading class there were 24,551 pupils,—an increase of 2,967 over the returns of 1849; in the second reading class 27,537, —an increase of 3,312 ; in the third, 31,805,—an increase of 3,349 ; in the fourth, 27,874 - an increase of 1,930 ; in the fifth, or highest, class 13,268,—a decrease of 356. In Arithmetic, there were in the first four rules 25,963 pupils,—an increase of 3,811 ; in Compound Rules and Reduction, 18,540,—an increase of 2,137 ; in Proportion and above, 16,325, —an increase of 1,803 ; in Grammar, 19,741—an increase of 2,001 ; in Geography, 21,534 -an increase of 4,789—a large and gratifying increase ; in History, 5,078—an increase of 879 ; in Writing, 63,267—an increase of 5,058 ; in Book keeping, 768—showing a decrease ; in Mensuration, 888—an increase of 88 ; in Algebra, 904—an increase of 316 ; in Geometry, 618—an increase of 449 ; in the Elements of Natural Philosophy 2,551—an increase of 2,116 ; in Vocal Music, 5,745 -an increase of 4,563 ; in Linear Drawing 1,176—an increase of 838. The increase under these several heads illustrates very clearly the progress of the Schools. Several of the Branches last mentioned, are, to a great extent, the creation of the Normal School.

V. The Text Books used in The Schools.

In my last Annual Report, I discussed at some length the question of an uniform series of Text Books for Schools, and the advantages which were already resulting from the introduction of such a series in Upper Canada.* Table C presents a new and most striking illustration of the success of this important branch of our School System. It will be seen that the Books recommended by the Council of Public Instruction are gradually superseding all others. In respect to the Readers, to which most importance has been attached, (as they facilitate the classification of pupils,) it is worthy of remark, that, of the 3,059 Schools reported in Upper Canada, the National Readers are used in 2,593 ; an increase of 411 Schools into which the use of them has been introduced during the year. When the pupils can thus be formed into classes, by the use of uniform Text Books, the "simultaneous method," or the method of "teaching by classes" can be adopted, and, appears from Table C., that this method prevails in 2,783 Schools—being an increase of 298 Schools during the year.

In regard to Religious Instruction, and the use of Religious Books in Schools, the law of 1850 provides, (Section XIV), that :

"No pupil shall be required to read, or study, from any Religious Book, or join in any Exercise of Devotion, or Religion, which shall be objected to by his, or her, parents, or guardians : Provided always, that, within this limitation, pupils shall be allowed to receive such Religious Instruction as their parents, or guardians, shall desire, according to the General Regulations which shall be provided according to law."

In the spirit of this provision have Regulations been made for the Constitution and Government of Schools, in respect to Religious Instruction,† the effect of which is, interference with the rights and scruples of none, but making the Schools a reflection of the Religious sentiments and feelings of the people, among whom they are established. It appears from Table C that the Bible is used in 2,067 Schools —being an increase of 231 Schools during the year ; a fact which sufficiently refutes the wrongful mis-statement that has sometimes been made, that "Christianity is not recognized in our School System."

VI. Number and Classification of Common School Teachers.

From Table D, it appears that, during the year, there were employed in all, 3,476 Teachers, of whom 2,697 were males, and 779 females ;‡ that 291 of the Teachers employed had been trained at the Normal School—243 males and 48 females §

As to the Religious faith of the Teachers, there were employed 796 Episcopalians,—being an increase over the preceding year of 59 ; Roman Catholics, 390—being an increase of 55 ; Presbyterians, 858,—being an increase of 107 ; Methodists, 904,—being an increase of 177 ; Baptists, 238,—being an increase of 32 ; Congregationalists, 73, —being an increase of 21 ; three minor Religious Persuations named, 66,—being an increase of 41 ; reported simply as "Protestants," 54,—being an increase of 21 ; other persuasions and those not reported, 87,—being a decrease of 246 . . .

I make these special references, as the best refutation of a very unjust statement, which has been made, that, in our System of Public Instruction, no account is taken of the Religious faith of Teachers, or whether they profess any Religious faith, or not. Table D practically contradicts this statement, at the same time, that it shows our School System to be free from sectarian supremacy, or partiality.

The Returns, under the head of Certificates of Qualification given to Teachers, contain nothing worthy of special remark, as the old Certificates were perpetuated until the end of the year, and the new Boards of Examiners were not constituted until near the close of the year 1850.

VII. Salaries of Teachers and Classification of the Schools.

Table D shows the average salaries of Teachers in each of the Counties, Townships, Cities, Towns and Villages in Upper Canada. According to the manner in which the Returns have been made up, there appears a small decrease in the average salaries of Teachers, though there is an increase in the aggregate amount of money available for the purpose of these salaries. There was, however, a considerable increase in the number of Schools kept open during the

*See pages 274-276 of the Eighth Volume of this Documentary History.

†The Regulations are given in another Chapter of this Volume.

‡In 1900, fifty years after this Report was written, this relative proportion of male and female teachers employed in the Schools of the Province was more than reversed,—the number in 1900 being, female teachers 6,810, males 2,630 ; total 9,440.

§The attendance of female Teachers at the Normal Schools and the Normal College is now, (in 1902,) very greatly in excess of the number of male Teachers who attend.

year,—which may account for this average decrease The average salaries of male Teachers in the Townships were from £30 to £60 ; of female Teachers from £20 to £40. In the 33 Schools of the three Cities in Upper Canada,the average salaries of male Teachers were $100,,9s.,,10d. ; Hamilton being the highest, £111,,17s.5d , and Kingston the lowest £80. In the 55 schools of the fifteen Towns, the average salaries of male Teachers were £75,, 1s. ; Brantford being the highest, £112,,10s., and Cornwall the lowest, £50. In the nine schools of the six Incorporated Villages, the average of the salaries of male Teachers was £98,,2s 8d. ; Galt being the highest, £168,,1s,,3d. ; and Thorold the lowest, £63,,9s,,4d. The average salaries of female Teachers in Cities, Towns and Incorporated Villages were from £30 to £75.

In the same Table, D, the number of good, or first class, Schools is stated to be 367 ; middling, or second class, Schools, 1,063 ; inferior, or third class, Schools, 933 ; Free Schools,(quite a new return,) 252 ; Separate Schools, 46. The standing of the Schools is the judgment of their respective merits formed by the several local Superintendents It is gratifying to see the large number of Free Schools which have been established in 1850, as, in every case, in the Townships, they are the result of discussion and voting at a public School Meeting, called for that purpose in each of the School Sections. The present year will test the comparative efficiency of Free, or Rate-Bill, Schools. The fact that, while the successive School Acts, for the last ten years, (1841, 1843, 1846, 1847 and 1849) have permitted the establishment of Separate Schools, —one in each of the 3,000 School Sections,—there were only 46 of such Schools in all of Upper Canada, in 1850, shows the tendency of the people at large to united action in school matters, and the groundlessness of the statement made by certain newspapers, that the School System is in danger of being destroyed, by permitting the continuance of the Separate School provisions of the law.

IX. The Kind and Condition of the School Houses.

Table E shows that the whole number of Common School Houses in Upper Canada in 1850 was 2,975 ; of which 99 are brick ; 117 are stone ; 1,191 are frame ; and 1,568 are log. The same Table shows the dimensions of these School Houses and, therefore, the extent of the accomodation which they will afford. It also appears from this Table, that 1,833 of the School-Houses are considered in "good repair ;" that 1,036 are in "bad repair."—a melancholy fact, that 2,363 have one room only ; that 98 have more than one room ; that 2,302 are furnished with suitable desks, etcetera ; that 187 are not so furnished ; that 600 are reported to have proper facilities for ventilation ; that 996 have not such facilities for ventilation ; (the remainder are not reported at all ;) that 664 are furnished with play-grounds ; and 978 with no play-grounds ; that only 371 are furnished with privies, and 1,215 reported as having no privies !

Lamentable as some of these facts are, it is encouraging to observe that no less than 271 School-Houses are reported as having been erected during the last year ; and, I think it may be assumed, from all the information I have been able to obtain, that these new School Houses, in construction and conveniences, are generally a great improvement on the old ones.

X. Departmental Efforts to Aid in the Construction of Good School Houses.

In order to contribute as much as possible to the improvement of School Architecture, I have discussed the subject, from time to time, and procured and inserted in the *Journal of Education for Upper Canada* Plans of School Houses and Grounds ; and, during the last year, Four Hundred copies of a very comprehensive and excellent Work on "School Architecture, by the Honourable Henry Barnard, (Superintendent of Public Schools in the State of Connecticut)* were purchased, and a copy presented to each of the County, Township, City, Town and Village Municipalities in Upper Canada. From the terms in which the reception in this Work has been generally acknowledged and the information and illustrations which it contains, I doubt not but its influence will be very beneficial.†

I am happy to be able to adopt, on this important subject, the language and sentiments of the following extracts from the last Report of the Superintendent of Schools in the State of New York :—

"From the best means of information within reach of the Department, it is believed that very great improvements in these [School House] structures have taken place ; that an increased regard to the comfort, convenience and health, both of pupils and Teachers, has been manifested ; and that more enlightened principles of Architecture, as well as a more refined taste and a better appreciation of the advantages resulting from their combination, are beginning to prevail. The enlargement of Sites for School Houses, the introduction of tasteful shrubbery, and the cultivation of useful and

*The Honourable Henry Barnard, was afterwards the First United States Commissioner of Education at Washington.

† In connection with this Subject of School Architecture, see Note on page 168 of the Seventh Volume of this Documentary History, from which it will be seen that the Chief Superintendent gave seventeen prizes, (varying from five to forty dollars,) for the best plan of School house and Sketches of School House Sites. There were thirty one competitors for these prizes.

ornamental plants, should be encouraged and recommended. Ample grounds should be reserved by the inhabitants of school districts for this purpose ; and, while every reasonable facility should be afforded for that bracing and invigorating exercise of the physical faculties, which is essential to the healthful development of the human system, provision should, at the same time, be afforded for the cultivation of those higher faculties of our nature which have reference to the beautiful, the tasteful and the ornamental, Trees, Flowers, Vines and Evergreens should find their appropriate places in the vicinity of every School House, demanding the care and repaying the attention of both Teacher and pupils. The influence thus capable of being exerted on the expanding mind of childhood, cannot be otherwise than beneficial, while the associations connected with the work of primary education will be divested of much of their present repulsiveness."*

XI. School Visits, Examinations and School Lectures.

Table F shows the number of school Visits which have been made during the year by the different classes of Visitors authorized by law. As many Clergymen have been appointed Local Superintendents, their visits are, of course, included under the latter head. There is, therefore, a small decrease under the head of Visits by Clerymen, as also by Magistrates ; but an increase of 255 in the number of visits by Municipal Councillors, and of 2,855 in the Visits of Local Superintendents,— the whole number of whose Visits during the year was 5,852. These Visits are the more important, and the large increase of them the more gratifying, as they are strictly Official Visits of school inspection,—one of the most important departments in an efficient School System. The whole number of School Visits made during the year amounted to 18,318,— being an increase of 2,529 over those of the preceding year. The interest awakened, and the moral influence brought to bear, by means of these visits in behalf of the Schools, cannot be over estimated.

Two other agencies have been created, and are reported for the first time, for the improvement of the Schools, and the advancement of education,—that is public Quarterly School Examinations, and Public Lectures on Education, at least once a year, in each School Section by Local Superintendents. The number of Public School Examinations reported in 1850, is 4,527 ; the number of Public School Lectures during the year reported was 2,116.

XII. School Maps, Blackboards, Globes and other Apparatus.

Table F shows that large Maps are hung up in 1,814 of the Schools,—being an increase during the year of 729 ; that Blackboards are used in 1,649 Schools, being an increase of 319 ; that Globes and other Apparatus have been introduced into 168 Schools,—being an increase of 119 during the year. The introduction of such improvements in the Schools affords most gratifying and satisfactory proof of their progress, and of the diffusion of just notions as to their requisites and character. The present School Act of 1850 provides greatly increased facilities for furnishing School Houses in such manner as the Trustees shall deem expedient.

XIII. Libraries, Colleges, Grammar and Private Schools.

Table F contains what information could be obtained under these heads. The Returns, from which these statistics have been compiled, are voluntary ; they may not be very accurate. but are perhaps sufficiently so to give a pretty correct view of the number and operations of these Institutions. It is pleasing to remark that, in the several kinds of libraries mentioned, there are 96,165 volumes reported, being an increase during the year of 2,859 volumes.

XIV. The Normal and Model Schools for Upper Canada.

Tables G and H present a statistical view of the receipts, expenditures, and attendance of students and pupils at the Normal and Model Schools. It will be seen that the number of Students attending the Normal School during the last session, is about 50 less than the preceding session. This has arisen from two causes : *First*, the Council of Public Instruction proposed last year to place the presentation of candidates for the Normal School in the hands of the several Counties, through local Boards of Examiners ;—three Candidates to be presented for every Member elected to the Legislative Assembly. In some instances, there were no meetings of Boards of Examiners, and, in many instances, persons wishing to become Candidates were uniformed as to the time and places of such meetings, and supposing that they could not be admitted to the Normal School, except on the recommendation of a County Board of Examiners, did not make any direct application to this Department ; *Secondly*, the system which had heretofore obtained of two Sessions of the Normal School in each year of five months each, was changed to that of having but one Session of nine months' duration. Many who could afford the time and means of attending one Session of five months, or of attending at intervals two such Sessions, were found to be unable to attend one protracted Session of nine months.

*The late introduction of " Arbor Day ", has in Canada, as in the United States, largely contributed to bring about the state of things here described as most desirable.

Neither of these methods of promoting the efficiency of the Normal School has proved satisfactory ; and the former system of admitting students to the Normal School, and of having two Sessions of five months each year,—the one beginning the middle of May and the other the middle of November,—will be resumed in future. A copy of the lately revised terms of admission into the Normal School will be found in a succeeding Chapter of this Volume.

The impulse which the Normal School has given to improved methods of teaching, and to improvements in the Schools, in various parts of the Country, is amply attested by the Local Superintendets' Reports, and by the demands for such Teachers from the several Counties and Towns,—demands far more numerous than can be supplied.

The Normal School Programme and Examination Papers, which will be found in the Appendix,* supersede the necessity of any remarks in this Report on the course of instruction pursued in the Normal School, and which is pursued with undiminished energy and zeal by the able Masters employed.

During the last Session of the Legislature, the sum of Fifteen Thousand pounds, (£15,000,) was granted to purchase Grounds and erect Buildings for the Normal and Model Schools and Education Office. No time has been lost in carrying into effect the objects of that noble proceeding on the part of the Legislature. Premises have been purchased, and the Buildings will soon be in the course of erection. . . .

XV. The Schools in Cities, Towns, and Incorporated Villages.

By referring to the Twenty-first and five following Sections of the School Act, of 1850† . . . and to the Circulars relating to them . . . ‡ it will be seen that a new system of Schools has been established in the several Cities, Towns and Incorporated Villages of Upper Canada. As this system cannot be considered as having fairly commenced until the beginning of the current year, the results of its introduction do not appear in this Report. But from what is indicated in the extracts of the Reports from Cities and Towns, given in the Appendix,§ and from other sources of information, I have no doubt but that a great improvement will soon be manifest in the Schools of Cities and Towns—both in the character of the Schools themselves, and in the attendance of pupils. During the last four years, there has been but one Board of Trustees for each City and Town,—which has been found to be a great improvement upon the old mode of having each City and Town divided into a number of separate petty School Sections, with as many separate sets of Trustees ; but the members of those City and Town Boards of Trustees, having been appointed by the Municipal Councils, and not elected by their fellow-citizens, were too powerless and irresponsible to constitute efficient Boards of Trustees. By the provisions of the present Act of 1850 the Trustees in each City and Town are periodically elected in the same manner that the Aldermen and Common Councilmen are elected,—only by a somewhat larger suffrage, —it being household suffrage ; and, as the Aldermen and Councilmen are the representatives of the Cities and Towns and the judges of all expenditures and matters connected with street and other local improvements, so the Trustees are the representatives of the Cities and Towns and the judges of all expenditures and improvements connected with Schools. But, to avoid the expense of a second class of financial Officers in each City and Town, the Municipal Corporation is required in each instance to impose and collect the sum, or sums, required by the School Corporation for educational purposes,—a system which has been found to work most efficiently in New York and other Cities and Towns in the neighboring States. By the provisions of the present Act of 1850, Incorporated Villages also have the same system as have Cities and Towns.

Thus, in each City, Town and Incorporated Village in Upper Canada, there is an elective Board of School Trustees, as responsible for the management of the school interests placed in their hands as are Aldermen and Common Councilmen for other Municipal interests. In most instances, the Municipal Councils have regarded this system in its true light ; but there are instances in which the feeling of habitual indifference and even contempt, in which the office of School Trustee has been held, has prompted certain City and Town Councillors to question the authority of Trustees, and to oppose their noble efforts to render the Common Schools worthy of the name of Public Schools. The usual pleas of selfishness have been resorted to on such occasions ; but I am happy to say that the authority of the Trustee Corporation has been fully sustained by the Judges of the land. In the judgment of every well-informed individual, no persons elected by the people are more worthy of respect than those who are chosen to provide for the education of youth ; and no corporations deserve higher consideration, and should be rendered more efficient, than those established for the development of the intellect of the

*Not inserted,—being matters of local interest and temporary detail.

† In Chapter II of this Volume, pages 39-41.

‡ These Circulars are printed in a succeeding Chapter of this Volume.

§ Too voluminous for insertion in this History, but they will be found in the Appendix to the Journal of the House of Assembly for the year 1850.

Country, and the advancement of general knowledge. When School Corporations are invested with proper attributes, and those attributes duly recognized and appreciated, the electors of both Towns and Townships will be more careful in choosing "select men" to fill up such Corporations than to fill up any other Corporations. This is one of the first essential steps towards the improvement of both Town and Country Schools; as a most serious impediment to their advancement has hitherto been the indifference of the School Municipalities concerned in the election of Trustees,—an indifference which has arisen in a considerable degree from the powerlessness of Trustees, when elected. But now that School Trustee Corporations are clothed with attributes commensurate to the important objects for which they are constituted. I anticipate a rapid improvement in the Schools, and no small improvement in the character of the Corporations themselves.

The Board of Trustees in each City, Town and Incorporated Village, having the charge of all the Schools in such Municipality, is able to establish and classify them in such manner as to meet the wants of all ages and classes of youth. This is done by the establishment of Primary, Intermediate and High Schools. In some instances, this system of classification, or gradation, of Schools has been commenced, by establishing a large Central School (as in Hamilton) under the direction of a Head Master with Assistants, having a Primary and Intermediate, as well as High School department,—the pupils being promoted from one department to another according to their progress and attainments. In other instances, the same object is pursued by having one High School and Intermediate and Primary Schools in different Buildings and parts of the City, or Town. These Schools can also be male, or female, or mixed, as the Board of Trustees may judge expedient. In the last annual School Report of the State of Massachusetts, it is observed:

In small Cities, it may often be found more economical to bring all the grades of Schools into one Building, than to be at the expense of purchasing several Sites and erecting as many School Houses.

The importance of the classification of pupils in each School, and the classification of Schools in each City and Town, cannot be over-estimated; and I cannot express my views better on this subject, than in the following language of the Secretary of the Board of Education in the State of Massachusetts, who in his last Annual Report, has discussed at large the question of "The Gradation of the Public Schools," in populous Townships, as well as in Cities and Towns. He says:—

The most obvious advantage resulting from such an organization of the Schools, would be, the increased productiveness of the Teacher's labours without any increase of expense. Every good Teacher attaches importance to a skilful arrangement of the pupils in classes, according to age and proficiency. But, in most of our rural district Schools, the diversity, in these respects, is so great, that classes can be but imperfectly formed. The object of gradation is to classify the Schools themselves, placing the young children in one, those of maturer age in another, and, wherever it is practicable, those of an intermediate age in a third. If there be children enough in one neighborhood to constitute three Schools, it is not a matter of indifference whether the division be made perpendicularly, cutting through these three strata, and putting some of all ages into each School; or horizontally, separating the older and the younger from each other, and placing them in different Schools. In the one case, the formation of large and regular classess will be out of the question, in the other, it will be practicable and easy. In the one, only a few individuals can be instructed simultaneously; in the other, many times the same number can be advantageously instructed together. With the same Teachers, by one arrangement, there might be three first-rate Schools, by the other, there cannot be any but very ordinary Schools. The expense of instruction given to an individual in the two cases, is widely different. If we reckon the Teacher's wages at the rate of twenty-five cents an hour, two recitations a day, for a single pupil, which should occupy half an hour at each time, would cost the School district twenty-five cents. If the same scholar were in a class of four, his two recitations a day would cost six cents and a quarter. In a class of sixteen, it would cost but about a cent and a half. Or, to take another view, if the time of the Teacher were to be so distributed that each member of the School should receive just his proportion, the one who should belong to a class of sixteen, might, in conjunction with the other members, have thirty minutes each half day; the one who should belong to a class of four, seven minutes and a half; while the pupil who should belong to no class, would have less than two minutes of the Teacher's time. It is easy to perceive the superior economy of those Schools, whose pupils are arranged in convenient classes, over that of Schools, in which only a few pupils can be associated in the same class. In Schools properly graded, classes consisting of twenty persons, can be as well instructed as an individual could be in the same time.

In the common district School, either one part must receive a disproportionate amount of attention, and the remainder suffer from neglect, or all must be taught in that hurried and superficial manner, which is of but little value. Nor is it the mere want of time that, in this case, interferes with true economy. The difficulty of governing, no less than of teaching, a rural district School, increases with the number of classes. The want of regular employment, with but short intervals between the class exercises, is a principal cause of disturbance in these Schools. If a School of sixty were to be divided into but three classes, not only would the Teacher be able to give thorough and systematic instruction, but the classes, being examined in their lessons in rotation, would need all the intervals of time for study to prepare for the next recitation.

XVI. Difficulty in Dealing with Restlessness of Children in the Discipline of a School.

It is essential to the true discipline of a School, that there be no leisure time in school hours for any other purpose than that of preparation in the appointed studies. Where this is the case, it requires but little supervision to keep the whole School in good order. The mind that is not kept active in study, will, from the natural restlessness of youth, be active in something foreign to the business of the School Room. It is the misfortune of many of our Schools to be made up of such heterogeneous materials as to baffle all attempts at regular classification, and the consequence is, that, before the long circuit of the recitations of numerous small classes is completed, each class has an interregnum of several hours, in which it may pursue its studies, or amusements, as the fancy takes it. It is quite as much the tedium of the scene as the love of mischief, that leads to disorder. It is of no use to increase the task assigned. Children cannot entertain themselves over a dry Text-Book for so long a period. Such a general condition of the School gives a dangerous power to those uneasy spirits who exhaust their ingenuity in stirring up others to annoy the Teacher.

XVII. Graphic Description of the Difficulties of Teachers in Many Schools.

Not a single recitation can be conducted properly when the Teacher has to direct his eye frequently to every part of the School Room to prevent anarchy. The Teacher and his class must be kept in sympathy both with the subject, and with each other. The diversion of the attention to answer questions from others,—to subdue a refractory pupil,—to shake the finger at one, and to awe another into silence by a significant look, arrests the course of thought, chills the glowing feelings, and often destroys utterly the effect of a recitation. It is not difficult to picture to ourselves a Teacher hearing a reading lesson, for example, in the midst of such annoyances. Perhaps, the piece to be read is expressive of tenderness, or sublimity. While he is working upon the imagination of the class, and endeavouring to bring vividly before it the objects which impressed the mind of the author, another scene, strangely at variance with this, attracts the eyes of the class, to another part of the Room,and a few words of reproof from the Teacher are much more effectual in banishing the spirit of the piece from the minds of the class, than the spirit of discord from the School-Room. If the exercise is continued, the remaining part of it will be likely to be purely mechanical in its execution, and ludicrous in its effect. Though a skilful Teacher may be able to do much to mitigate these evils, they are inherent in the system, and cannot be avoided except by some such change as has been recommended.

If it should be discovered that, by a given improvement in machinery, a water power which now carries but a hundred spindles could be made to carry a thousand, every manufacturer in the Country would adopt the improvement. And yet, there are many Schools operating in a manner that wastes much time and money, where there is no natural obstacle in the way of a better system," if the Teacher would be determined to adopt it.

XVIII. Remarks in Regard to the Improvement of Grammar Schools—School Libraries.

The remarks made in the last preceding section of this Report on the classification of Schools, suggest the necessity and importance of a change in the system of County Grammar Schools, or rather the necessity of forming and elevating these Schools into something like a system. In some instances, the Classical and Mathematical departments of them are doubtless conducted with ability, and they possess a high reputation ; and so would Private Schools taught by the same individuals and established in the same places ; nor do I desire to impugn, or undervalue, the character of the Grammar Schools generally. But, as at present established, they form no part of a General System of Public Instruction ; and the manner in which public money is expended for their support, is unjust to the larger portion of the community ; is, to a great extent, a waste in itself, and an injury to the Common Schools. It injures the Common Schools in the neighborhood of the Grammar Schools, as the elementary branches which are taught in the former are also taught in the latter. Thus are pupils, who ought to be learning the elements of Reading, Writing, Arithmetic, and Geography in the Common School, introduced into the Grammar School ; and a Teacher who receives One Hundred pounds, (£100,) per annum as Teacher of a Classical School, is largely occupied in teaching the A, B, C of Common School instruction, to the injury of the Common School, and to the still greater injury of the real and proper objects of the Grammar School. It would be absurd to suppose that the £100 per annum, were granted towards the support of a Classical Master to teach the same things that are taught by the Common School Teacher, and that by aid of public money also. Making the Grammar School a rival of the Common Schools in its vicinity, is as incompatible with the proper office of a Grammar School, as it is prejudicial to the interests of the Common Schools. Pupils, who are learning the first elements of an English Education, are sent and admitted to the Grammar School because it is thought to be more respectable than the Common School, and especially when Grammar School fees are made comparatively high to gratify this feeling, and to place the Grammar School beyond the reach of the multitude. Thus does the Grammar School Fund operate to a great extent as a contribution to the rich, and in support of injurious distinctions in teaching and acquiring the elements of English Education, and not to the special encouragement of the study of the elementary Classics and Mathematics. Thus is the Common School injured in its position ; and influences are withdrawn from it which ought to be exerted in its

behalf, and which are most important to give it the elevation and efficiency, which are requisite to enable it to secure the standing and fulfil the functions of the English College of the People. The Grammar School should be a connecting link between the Common Schools and the University ; the Common Schools should be feeders of the Grammar Schools, as these should be feeders of the University. The Grammar School, instead of attempting to do the work of the humblest Common School, should be the first step of promotion from its highest classes. But this cannot be done, until the Grammar Schools are placed as much under the control of local authorities as are the Common Schools ; until their appropriate field of labour is defined, and an effective responsibility and supervision instituted. Each Grammar School might be made the High School of the County and Town within which it is situated, and have its classes filled up from the highest classes of the Common Schools of such County and Town. The liberal provision made in aid of Grammar Schools would then be expended in unison with the provision made in aid of Common Schools,—would advance, instead of impairing the interests of Common Schools,—would accomplish the real objects of the Grammar School Fund, and make the Grammar Schools, as well as the University and Common Schools, an integral part of the General System of Public Instruction for the Country.*

X. Proposed Provision for Public School Libraries.

2. My special attention has been devoted, a portion of the past year, to the important subject of providing public School Libraries, Maps, and every description of Apparatus for the use of Schools; but, as the arrangements for the accomplishment of these objects are not yet completed, I have not thought it advisable to refer to them at length in this Report. They will be completed in the course of the present year ; and, when completed, I am persuaded that Upper Canada will have an advantage over every other Province or State in America in regard to the prices and facilities of procuring Text-books, Maps, and Apparatus for the Schools, and comprehensive series for Libraries of the most instructive and entertaining popular reading books that issue from both the English and American press, for Public School Libraries.

3. The extracts from local Reports,† given in the Appendix evince how widely the question of Free Schools is engaging the attention of the public mind. There are, however, not wanting objections and objectors to the principle of Free Schools ; but the former are as frivolous as the latter are misinformed, or selfish. I may notice the most common and most plausible of those objections : It is said that people do not value what they do not pay for, and, therefore, Free Schools are not the proper method of promoting the education of youth. In reply, it may be remarked, that people do pay for Free Schools,—each man pays for them according to his property, or means, and, therefore, has the impulse of paying for the support of the Schools towards the education of his children. As the discussion at large of the question of Free Schools will be found [on pages 73-81 of this Volume], I will merely add in this place, that the principle of Free Schools is based upon the first and most obvious principles of political economy,—human rights and civil obligations. In civil polity, no principle is more obvious and vital, than that the interests of the whole society are binding upon each individual member of it. It is a principle equally just and scarcely less important, as one, both of political economy and civil obligation, that each individual should contribute to the interests of the whole society according to the property which he has acquired, and which is protected in that society. It is, furthermore, an economical principle, palpable to every reflecting mind, that an interest which combines the support of all, according to ability, can be more easily sustained than if supported by a few, or a part, and without reference to ability. The principle of human rights involved in the question is as undeniable, as it is sacred. It is, : that each child has a right to such an education as will fit him to be a good member of society,—a right as important to society at large as to each individual member of it. The application of Free Schools is as simple as it is important. Is education an interest of society generally ? If so, then each member of that society is bound to support it, according to his ability.

In each City, Town, and Incorporated Village, the establishment of Free Schools is at the discretion of a Board of Trustees, as the elected representatives of such City, Town, or Village, in school matters. In the Townships, where it is convenient for all the inhabitants of a School Section to assemble in one place, and which they are required to do so, for the election of their Trustees, the manner of supporting the School, either as a Free School, or as a Rate-Bill School, is determined at an Annual, or Special, Meeting of the Freeholders and Householders in each School Section; though the amount required for that purpose is determined by the Trustees. But, it should be remembered by those who wish to support their School by a Rate on the property of all, that they should, as a corresponding and imperative obligation, make the School fit for the children of all, by employing a Teacher duly qualified, and having a School House with sufficient accommodations and properly furnished. The character of a Free School should be as elevated as its foundations are broad.

* On pages 21-23 of this Volume the Draft of a Grammar School Bill will be found. It was thought best to postpone its consideration until the next year, or until 1853.

† See note in regard to these Reports of Local Superintendents, on page 165 of this Chapter.

GENERAL STATISTICAL ABSTRACT, EXHIBITING THE STATE AND PROGRESS OF EDUCATION IN UPPER CANADA, AS CONNECTED WITH UNIVERSITIES, COLLEGES, ACADAMIES, GRAMMAR, PRIVATE, COMMON, NORMAL AND MODEL SCHOOLS, DURING THE YEARS 1842 TO 1850, INCLUSIVE.

No.		1842	1843	1844	1845	1846	1847	1848	1849	1850
1	Adult population of Upper Canada	486,055								
2	Population between the ages of five and sixteen years	141,143		.....	*622,570	.....	.....	725,879	.....	803,493
3	Total number of Colleges in operation	5		183,539	202,913	204,580	230,975	241,102	253,364	259,258
4	Acadamies and District Grammar Schools	*25		5	5	5	6	6	7	7
5	Private Schools reported	*44		*25	*30	*31	32	33	39	57
6	District Model Schools in operation	.. ..		*60	*65	*80	96	117	157	224
7	One Normal and one Model School for Upper Canada	.....		1	3	3	3	2	1	0
8	Total Common Schools in operation, as reported	1,721		.....	.....	.....	2	2	2	2
9	Grand Total Educational Establishments in operation in Upper Canada	1,795		2,610	2,736	2,589	2,727	2,800	2,871	3,059
10	Total Students attending Colleges and Universities	No Reports.		2,701	2,839	2,708	2,866	2 960	3,077	3,349
11	Total Students attending Acadamies and Grammar Schools	Ditto		No Reports.	No Reports.	No Reports.	700	740	773	684
12	Total Pupils attending Private Schools	Ditto		Ditto	Ditto	Ditto	1,000	1,115	1,120	2,070
13	Total Students and Pupils attending Normal and Model Schools for Upper Canada	Ditto		Ditto	Ditto	Ditto	1,831	2 345	3,648	4,663
14	Total Pupils attending the Common Schools of Upper Canada	65,978		Ditto	Ditto	Ditto	.....	256	400	370
15	Grand Total, Students and pupils attending Universities, Colleges, Acadamies, Grammar, Private and Common Schools	65,978		96,756	110,002	101,912	124,829	130,739	138,465	151,891
16	Total amount available for the Salaries of Common School Teachers in Upper Canada	£41,500		96,756	110,002	101,912	131,360	135,295	144,406	159,678
17	Total amount levied or subscribed for the erection or repairs of School Houses	No Reports.		£51,714	£71,514	£67,906	£77,599	£86,069	£38,478	£88,429
18	Grand Total available for Teachers Salaries and the erection and repairs of School Houses	Ditto		No Reports.	No Reports.	No Reports.	No Report .	No Reports.	No Reports.	£14,189
19	Total Common School Teachers in Upper Canada	.....		Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	£102.619
	Total Male Common School Teachers in Upper Canada	.....		.....	2,860	2.925	3.028	3,177	3,209	3,476
	Total Female Common School Teachers in Upper Canada	.....		.. ..	... .	.....	2.365	2,507	2,505	2,697
20	Average number of months each Common School has been kept open by a qualified Teacher	.....		.....	.....	.....	663	670	704	779
21	Net average attendance of Pupils at the Common Schools during the summer of	No Reports.		$7\frac{3}{4}$	8	$8\frac{1}{2}$	$8\frac{1}{3}$	9	$9\frac{1}{3}$	$9\frac{1}{11}$
	Net average attendance of Boys at the Common Schools during the summer of	Ditto		No Reports.	No Reports	No Reports	No Reports	70,459	72,204	76,842
	Net average attendance of Girls at the Common Schools during the summer of	Ditto		Ditto	Ditto	Ditto	Ditto	38,539	39,382	41,784
22	Net average attendance of Pupils at the Common Schools during the winter of	Ditto		Ditto	Ditto	Ditto	Ditto	41,920	32,822	35,040
	Net average atttendance of Boys at the Common Schools during the winter of	Ditto		Ditto	Ditto	Ditto	Ditto	76 711	78,466	81,469
	Net average attendance of Girls at the Common Schools during the winter of	Ditto		Ditto	Ditto	Ditto	Ditto	45,429	46,402	48,308
				Ditto	Ditto	Ditto	Ditto	31,28 !	31,964	33,161

No Report for this year received, in consequence of a change in the School Law.

* An Approximation only—no specific information having been received.

NOTE.—The Returns in the foregoing Table, up to the year 1874, are not very complete; but since that period they have been sufficiently so to establish a data by which to compare our yearly progressive Educational Matters. The Returns are now pretty extensive, and embraces all Institutions of Learning from the Common School up to the University; but hitherto the sources of information regarding the latter class of Institutions have been rather private than official. It is to be hoped, however, that future years will witness more complete and accurate information on the subject of information generally in Upper Canada; and that the Annual Report will present, in one comprehensive tabular view, the actual state and progress of all our Educational Institutions—Public, Private, and Collegiate.

I have only to observe, in conclusion, that if the history of the past is an index to the progress of the future, we have much to animate our hopes and encourage our exertions. The novitiate of doubt, distrust, speculation, crude experiment and legislative change has been past; a broad foundation has been laid; indifference has yielded to inquiry; party hostility has dissolved into co-operative unity; the School Master is becoming a respectable and respected man; the School has become a leading interest; the resources for its support from local voluntary taxation have been doubled; the number of its pupils has more than doubled; the public voice has inscribed "Free to All" over more than two hundred and fifty of its entrances; the Representative of Sovereignty, (Lord Elgin), has invested it with the interest of sympathy, and given it the impulse of a more than Royal eloquence; while the Members of both Branches of the Legislature, by their municificent Grant for Normal and Model Schools, have, in a manner unprecendented, pledged to the Schools educated Teachers, and to Teachers their sympathy and support. In the slow and difficult work of developing a Country's intellect and training a Country's Heart, an auspicious commencement has been made. But it is only a commencement. One hundred thousand, (100,000,) children are yet to be brought into our Schools; a fact that cannot be contemplated without great pain, and ought to rouse to sleepless activity. The hundred and fifty thousand (150,000) children that have already entered our Schools are but imperfectly instructed; and attractive reading should be provided for them in local libraries, after they leave the School. What has been accomplished within a few years past, shows that Upper Canada need be behind no Country in America within a few years to come. The spirit of a quaint but forcible adage, with the Divine blessing, will accomplish the whole—"A long pull, a strong pull, and a pull all together."

EDUCATION OFFICE, TORONTO, 1850, 1851. EGERTON RYERSON.

CHAPTER XIV.

EXPLANATORY STATEMENTS AND PAPERS BY THE CHIEF SUPERINTENDENT, IN REGARD TO THE SCHOOL ACT OF 1850.

Soon after the passage of the comprehensive School Act of 1850, a number of Letters were addressed to the Chief Superintendent of Education asking for information as to greatly increased powers of School Trustees and Municipal Councils under its provisions.

While this information was given in reply to Letters received, yet the Chief Superintendent felt, that a fuller exposition of the principles and provisions of the New School Act was desirable.

He therefore prepared a series of explanatory Articles on the subject, of which were printed at the time in the official organ of the Department,—the most important of which I have inserted in the following order:—

I. MAIN FEATURES AND CHARACTERISTICS OF THE NEW SCHOOL ACT OF 1850.

As to the characteristics of the new School Act of 1850 I remark, that, while it is based upon the same great principles of co-operation between the Legislature and Government, and the local Municipalities throughout the Province, and of general supervision of the Schools, as have existed since 1843, it provides for the important improvements suggested by experience, in the several parts and details of school law.

1. The School Act of 1850 arranges under distinct heads, and specifies in the plainest language, the duties of the several parties, who have to do with the administration of the School System ; an arrangement and classification wich were entirely lost sight of in the (Cameron) School Bill of last year, (1849.)

2. The Act also provides, by a simple, cheap and equitable mode for settling at least nine-tenths of the most perplexing local difficulties, which have arisen in years past, (and for which no provision existed in the Bill of last year, or in any preceeding School Act,) relating to the Sites of School-Houses, accounting for the expenditures of school-moneys in School-Sections, adjusting financial disputes between Trustees and Teachers ; thus saving the trouble attending appeals on such matters either to the Chief Superintendent of Education, or to the Municipal Councils,—the Members of which are paid by the day, and many days of whose time, in successive Sessions of the Councils, have been spent in the investigation of such matters, attended by more, or less, of the parties concerned, during the whole of the proceedings.

3. The Act of 1850 further secures to the freeholders and householders in each School Section the right and the power, without any external interference whatever, of supporting their School in their own way,—whether by voluntary Subscription, Rate-Bills for pupils, or Assessment according to Property ; a right and power which were but partially possessed under the School Act of 1846, and which were materially abridged, to the great embarassment of Trustees, by the (Cameron) Bill of last year.

4. The New Act also protects the ratepayers of the School Sections against changes in their boundaries without their own consent ; and it secures to them the right of disposing of their own School Property, when expedient, and of fairly and properly applying the proceeds of it ;—a right which was never before enjoyed by School Sections and parties contributing to purchase School-Sites and the building of School-Houses.

5. The Act in addition, makes more effectual provision than has hitherts been made, for calling and conducting of Schools Meetings for all purposes, and at all times, as required by the interests of Schools ; and gives to Trustees, means and facilities for procuring proper Text-Books, Maps and Apparatus, and for sustaining their School financially, not conferred by any preceding School Act.

6. The Act also provides for a more effective system than has yet been provided, for the examination and licensing of School Teachers, the inspection of the Schools, and for annual School Lectures, relieving Local Superintendents of the responsibility and trouble of keeping accounts of School moneys, and providing for the appointment of these Superintendents and their remuneration in a manner calculated to secure the best and most experienced men in each County for School Superintendents ; and thus increasing the efficiency of the department of local inspection, which is regarded in all School educating Countries as a most vital part of an effective System of Public Instruction.

7. The Act further provides a protection and security to the just rights and interests of School Teachers, not heretofore extended to them ; while it also provides corresponding means to enable Trustees to perform their duties and fulfil their engagements to Teachers.

8. The Act, more effectually than heretofore provides for supplying all the Schools with proper Text-Books; and makes provisions also for the establishment, maintenance and management of School Libraries,—a matter of the utmost importance to the whole Country. It again authorizes the visitation of the schools by the Clergy generally, and other official persons, whose gratuitous visits and attention to the interests of the Schools, for two, or three, years, (in consequence of the provisions of the law of 1846,) exceeded the expectations of the most sangine friends of education, and proved most beneficial in elevating and advancing it in popular estimation.

10. The Act also makes better provison, than has heretofore been made, against the loss, perversion and diminution of any part of the Common School Fund, with a sufficient provision, at the same time, for the exigencies of any new, or poor, School Sections in any County.

11. It also provides for a co-ordinate, but distinct and complete System of Schools, adopted to the circumstances of Cities, Towns and Incorporated Villages.

12. While the new Act provides for these improvements in the difierent parts and branches of our School System, it carefully guards, in the mode of introducing these improvements, against any derangement, or confusion, in our present school operations.

II. POWERS AND RESPONSIBILITIES OF SCHOOL TRUSTEES IN UPPER CANADA, UNDER THE SCHOOL ACT OF 1850.

As considerable correspondence has taken place in the Department of Public Instruction respecting the authority of School Trustees, especially in Cities, Towns and Incorporated Villages, and as the discussion of the question has been introduced into some of the newspapers, I deem it

proper to explain the objects and nature of the provisons of the new School Act of 1850 on this important subject.

2. From the Correspondence on the subject of the School Law, which was printed by order of the Legislative Assembly last year,* it appears that, in each of the four Reports which the Chief Superintendent made to the Governor General, between March, 1846, and May, 1850†, he adverted to the radical defects of the School Law, (caused by restrictive legislation,) in reference to the office of School Trustees, and the necessity of increasing their powers, in order to improve the Schools, as well as improve the character of the Trustee Corporations. The provisions of the present Act of 1850 were, therefore, intended to remedy the evils thus repeatedly pointed out, and very generally felt.

3. These evils were two-fold ;—the powerlessness of Trustees, when elected, and the deficiency in the qualifications of persons elected,—the latter being, to a great extent, the consequence of the former. Trustees could not establish, or maintain, a good School without employing a good Teacher; and they could not procure such a Teacher, without securing to him a fair salary. This they could not do, as they had not power to secure the payment of such salary. They had to depend on two uncertain resources for means to meet their engagements. The one was a Rate-Bill on parents, the amount of which was as uncertain as were the varying feelings of the persons having children to send to the School. If that resouce failed, or was insufficient, as was very commonly the case, the only remaining resource, (except Voluntary Subscription,) was to petition the Municipal Council to impose a tax on Property to make up the deficiencies ; and one, or two, persons in a School Section opposed to such tax, could, by their representations to the Council, almost invariably defeat the Trustees. The effect was serious loss to the Teacher, mortification, and defeat to the wishes of the Trustees.

4. Such was the case in a number of School Sections, where the Trustees were intelligent, active and public spirited. In those School Sections, where the Trustees themselves were indifferent to their duties and obligations, the state of things was still worse, in respect, both to children and the Teachers, especially as Teachers had no remedy against the Trustees personally.

5. The consequences of all this was, that the office of School Trustees was burdensome and vexatious ; and being powerless; it fell into contempt. Intelligent and active Trustees frequently became discouraged and disgusted, and refused to serve, as did other competent persons, and incompetent persons were elected. Thus the office of School Trustee was regarded, to a great extent, if not generally, as one of the least respectable and most undesirable of all the elective offices in the gift of the people.

6. Now, the objects contemplated by the provisions of the present School Act of 1850, were, as far as possible, to remedy this accumulation of evils, by rendering the office of School Trustee one of the most powerful for good, and, therefore, one of the most honourable in Town, or Country ; and thus to induce the utmost care and vigilance on the part of the electors to choose proper persons for that office, and to induce such persons to accept it and become candidates for it, as they do in regard to other responsible and honourable offices,—the occupancy of which depends upon popular election.

7. The principle on which these provisions of the School Act of 1850 are founded, is in harmony with that which lies at the foundation of our general system of government. It is, that of representation. In our Representative System of Government a Town, or Township, tax is imposed by the elected Representatives of that Town, or Township. So a County, or Provincial, tax is imposed by the elected Representatives of the people in a County Council, or in the Provincial Legislature. Those Representatives possess the largest discretionary powers to raise moneys to erect Public Buildings, and make, or authorize, contracts and provide for their fulfilment. No surprise, or doubt, is expressed, or entertained, in regard to such representative powers, because they are familiar to all, and known by all to be necessary for the interests and improvements of the Country, however objectionable, or unwisely, they may be exercised in particular cases. On the same principle are based the enlarged powers of School Trustees, whose numbers are much larger in proportion to the respective constituencies they represent than Members of Townships, or County Councils, or of the Provincial Legislature.

8. The principle of the New School Act, therefore, is, that the Trustees, or elected School Representatives, of each school division, whether Section, Village, Town, or City, shall determine the amount of every description of school expenditure, of contracts, appointments and management in all school matters, in such Section, Village, Town, or City, and have the power to give effect to their estimates, engagements and plans of proceeding. These powers and duties appertain to all Trustee Corporations, whether in Town, or Country. It is not the office of a public meeting, in the Country, any more than in Town, to determine what sum, or sums, shall be raised and expended for school purposes ; that is, in all cases, the right and duty of the Trustees, as

*This Correspondence will be found on pages 224-250 of the Eighth Volume of this Documentary History.

† Reprinted in the Volumes of this History for the years designated.

may be seen by referring to certain clauses of Twelfth Section of the present School Act, and also certain clauses of the Twenty-fourth Section.

9. In the Country, a public Meeting, called in each School Section decides upon the manner in which such sum, or sums shall be raised, but nothing as to the amount ; and, if the means thus provided are insufficient to defray the expenses estimated and incurred by the Trustees, they are authorized by the Twelfth Section, of the Act, to assess and cause to be collected, any additional Rate on the Property of the School Section that may be necessary to pay the balance of such expenses. By the ninth clause of the same Section, Trustees can exercise their own discretion and convenience, either to assess and collect all their School Rates themselves, or, by their Collector, or apply to the Township Council to do so, and the Council is required by law to give effect to their application, relating as it does to the constituents of whom they are the school Representatives, the same as the Members of the Council are the municipal Representatives of the Township. In such a case, the Council has not to consider the amount required,—(that is with the Trustees to determine ;) nor any representations which may be made by parties for, or against, such amount being required ; but simply the manner in which an Annual Meeting, or other Public Meeting, called for the purpose, in the School Section concerned, has agreed to defray the expenses of the School. Should the Trustees determine not to apply to the Township Council, but collect, by their own authority, all the moneys they may require for school purposes, various clauses of the Twelfth Section of the New Act give them all the necesssry powers to do so.

10. The object of leaving the manner of providing for all school expenses to the decision, in the first instance, of a Public Meeting in each School Section, was not to limit the Trustees, as to the amount of such expenses, or to cripple them as to the means of raising such amount, since they are especially empowered to do so by School Rate, if the means agreed upon at the Public Meeting are insufficient for that purpose ; but the object was, to make the question of provision for the education of youth a subject of public discussion and decision annually in each School Section, and thus to diffuse useful knowledge and make the people acquainted with, and alive to, their own interests and duties,—to enable them to provide for the support of their School in their own way, either by Voluntary Subscription, or by self-imposed School Tax,—and, above all, to decide whether their School should be a "Free," or a "Rate-Bill," School.

11. But, while the Trustees of each School Section are clothed with enlarged powers for the fulfilment of their important trust, they are also subject to additional responsibilities. They are required by law to account for their expenditures to their constituents at each Annual Meeting, by presenting—

"A full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of the School Section for any purpose, whatsoever, during the year then terminating ;"

And, if the account is not satisfactory to the majority of the Meeting, arbitrators are chosen by each party to decide, and are invested with power to make each of the Trustees, or any other person, account for, and pay, all the money due by him to the School Section. This is a responsibility to which Members of the Legislature, and of County, City, Town, or Township Councils are not subject ; but it affords to the rate payers in each School Section ample security for the faithful expenditure of moneys.

12. In Cities, Towns and Incorporated Villages, the Boards of Trustees, varying from six to sixteen Members in each, are invested with larger powers than the Trustees of School Sections. Each such Board has the charge of all the Common Schools in the Municipality, determines their number and kind, whether Primary, Intermediate, or High, Schools, whether Classical, or English, whether Denominational, or Mixed, whether many, or few, the amount and manner of their support. Each Board appoints its own Local Superintendent of Schools, and a Local Committee for the immediate oversight of each School under its charge. The Board of Trustees in each City, Town, or Incorporated Village, is not required, as in Rural School Sections, to call a Public Meeting to consider the manner of supporting one, or more, of the Schools in such Municipality ; in most cases this would be impossible ; in no case is it required. The only Public Meetings, which Boards of Trustees in Cities, Towns, and Incorporated Villages are required to call, are those for the election of Trustees. If they choose, they can call Meetings for any school purpose whatever, like the Mayor of a City, or the Reeve of a Town, or Village ; and, in any case of their thinking it advisable to call a School Meeting, the Act provides for enabling them to do so, and directs their mode of proceedings, so that it may be done under the authority and protection of law. In some instances, objections have been made to the lawfulness of the proceedings of Boards of Trustees, because Public Meetings had not been convened to consider the school estimates and plans of such Boards. As well might the lawfulness of any financial proceedings of the Municipal Council of a County, Town, Township, or Village, be objected to upon the same ground.

13. The Municipal Council of each City, Town, or Incorporated Village, is required to levy and collect whatever sum, or sums, of money may be required by the Board of Trustees for School purposes. The Board of Trustees, (elected by all the tax payers,) and not the Municipal

Council, represents such City, Town, or Incorporated Village, in all school matters ; but, as the Council has Assessment Rolls and employs Collectors for other purposes, it is more economical and convenient to have the School Rates levied and collected by the Council, than for the Board of Trustees to employ a separate class of officers for that purpose. In the City of New York, and various Towns in the neighbouring States, Trustees are elected in each Ward of the City, or Town, as in Canada, and constitute collectively a Board of Education, or School Trustees, for such City, or Town ; and the Municipal Council of the City, or Town, is required to levy and collect whatever sum, or sums, are required, from time to time, by the Board of Education, or School Trustees.

14. The Members of the Board of School Trustees in our Cities, Towns, and Incorporated Villages, are not personally responsible for school moneys, because the law is so constructed, that all school moneys, even the Rate-Bills of each City, Town, or Village, must be paid into the hands of the Treasurer. But each Board of Trustees must prepare and publish annually in the local Newspapers, an account of the receipts and expenditure of all school moneys, subject to their order.

15. Objections have been made, in some instances, to the erection of large Central School Houses in Cities, Towns and Villages ; and the authority of the Boards of Trustees has been called in question, because exception has been taken to their proceedings. The Government itself may err in its proceedings, but that is no disproof of its authority. The Boards of Trustees in Cities, Towns and Villages, and the Trustees in many country places, are but commencing the greatest work connected with the welfare of their Country ; and they must expect opposition from mistaken ignorance, sectional selfishness and wealthy meanness. There are some unpopular duties connected with all public situations,—duties which often commence under the opposition and abuse of many, but issue in the satisfaction of success and amid the gratitude and applause of all. In regard to large Central School Houses in Cities, Towns and Villages, after the noble examples of the Boards of Trustees in Hamilton, London, Brantford, Brockville and Chatham, etcetera, it was remarked in the last Annual School Report for the State of Massachusetts :—

"In small Cities and Towns it may often be found more economical to bring all grades of schools into one building, than to be at the expense of purchasing several sites and erecting as many houses."

16. The remarks of some persons convey the idea that School Trustees are despots, trampling upon the rights and sacrificing the interests of the communities in which they live. Such remarks are as foolish as their imputations are unjust. The interests and burdens of Trustees are identical with those of their neighbours. The fact of their having been elected Trustees, is an avowal by their constituents, that they are the most proper persons to be entrusted with their educational interests. If Trustees, in any instance, neglect, or betray, those interests, they can be superseded, on the expiration of their term of office, like all other unfaithful Representatives of the people ; and, while in office, they have a right to the forbearance and support, which the importance and difficulties of their office demand. Unlike most other public Officers, School Trustees work without pay ; they may sometimes err ; but who does not ? Yet, if there is any class of public officers entitled to more respect, more confidence and support than others, it is Trustees of Public Schools,—the elected guardians of the youth of the land, the responsible depositaries of their most vital interests. And, if there is any one class of public Officers, in the selection of whom, the people should be more careful than in the selection of others, it is School Trustees. The welfare of youth, and the future progress and greatness of Canada require that the best, the most intelligent, the most enterprising, public spirited, progressive men, in the land should be elected School Trustees.

III. RIGHTS, POWERS AND DUTIES OF SCHOOL TRUSTEES AND MUNICIPAL COUNCILS IN TOWNSHIPS.

In the Appendix to the School Report of 1850 the powers and duties of School Trustees, especially in Cities, Towns and Villages, were explained at some length * Since that Report was written several questions have arisen, and inquiries have been made, relative to the powers and duties of Trustees in Country School Sections, and their relations to Township Councils

1. In some instances, it had been maintained that Trustees have no right to levy a Rate upon the Taxable Property of the householders and landholders of their School Section, without the consent of their Township Council ; whereas the Trustees have full authority to act without the consent of any Council, or other body, high, or low, in levying and collecting whatever may be necessary to provide for all the expenses of their School.

One leading feature and primary object of the School Law of 1850 is, to make each Section a School Municipality, with power to provide for the furnishing and support of its School, in every respect, in its own way, and to settle all its differences and difficulties by local arbitration.

* For this explanation, see a subsequent Chapter of this Volume.

It is not, therefore, for the Chief Superintendent of Education, or for any Council whatever, to decide in what manner, or to what amount, moneys shall be raised for school purposes in any School Section. The elected Trustees in each School Section are alone authorized by law to consider and determine, from time to time, the sums required for their school purposes; and a majority of electors at an annual School Section Meeting, or special Meeting, decide upon the manner, (not the amount,) in which such sums shall be provided.

2. Again, in some instances, Township Councils have refused to levy the sums applied for, according to law, by School Trustees. In all such cases the Councils concerned have violated the law; and they might be compelled to do their duty by a Mandamus from the Court of Queen's Bench, should the Trustees concerned think proper to procure one. The object of this provision of the School Act in Section Eighteen, clause one, (page 37,) is to relieve Trustees of part of the burthens imposed upon them by their office, and to save expense and time in the collection of School Rates, which can, in general, be levied and collected more cheaply under the authority of the Township Council than under that of School Trustees, for the Council has the machinery in the form of a Collector and Rolls, already provided; and the Collector must collect rates on all the taxable property within his jurisdiction each year for other than school purposes. For him, therefore, to have the School Rates, in any, or all of the School Sections within the limits of his collectorship, added to the other rates, and collect them at the same time, would involve but little additional trouble and expense; and the Rates on the property of absentees can be collected in the same manner as other rates on the same property. But, when Trustees, themselves, levy School Rates on property, they must appoint a special Collector, and pay him a higher per centage (on the lesser amount collected), for such special service than would be paid to an ordinary Collector; they must procure an extract from the Assessment Roll, and sue each defaulting non-resident. Nor do Trustees receive any pecuniary remuneration for all of this trouble and loss of time in the performance of their duties,—which is otherwise with Township Councillors. It was, therefore, thought just and economical, (as provided in the ninth clause of the Twelfth Section of the School Act, page 34) that Trustees should have the option of levying and collecting School Rates on Property themselves, or transfer, by request of the Ratepayers, the duty of doing so to the Township Council,—the Members of which are paid for their time and services. And, to prevent any unnecessary discussion, or loss of time, in doing their duty, the Council is not authorized to judge of, or vary the amount required by the School Trustees to be assessed, but it has simply to give legal effect to the will of a portion of the school electors of the Township, in respect to their own School Municipality, as decided by them at a Public Meeting, and as communicated and attested by their chosen Trustees. In some cases, Township Councils have assumed the right, which belongs exclusively to Trustees, of judging as to the amount, and even propriety, of such assessments of School Sections,—a right which does not appertain to any Council, either in City, or Country, but is, in all cases, confided to School Trustees, who are specially elected for such purposes. The High Sheriff of a County is the executor, not the judge, of the law, in the matter placed in his hands; so in this case, the duty of a Township Council is simply to execute the work of certain School Sections, in regard to taxing themselves for their own purposes. There will, of course, always be individuals in such Sections opposed to Rates for any school purpose; but, with such individuals, a Township Council has nothing to do;—the Trustees, or a majority of them, being the elected and responsible exponents of the wants of their own School Municipality.

3. Another question has also arisen, as to what Trustees should do, in the event of a Township Council refusing to levy a School Rate as authorized and required by the first clause of the Eighteenth Section of the School Act of 1850. In every such case, the Trustees of a School Section can,—as have the Trustees of one, or two, Towns and Villages,—apply to the Court of Queen's Bench for a Mandamus, to compel an anti-school Council to do its duty, and the opposing Members of such Council would be justly responsible for the expenses and consequences of such a proceeding. Trustees, though unpaid for their services, should be made responsible for refusing, or neglecting, to do their duty in school matters. But, thus far, in such cases, Trustees have been recommended to exercise their own corporate powers to levy and collect the amount of Rates required for their school purposes.

Where Trustees provide for the salary of their Teacher by Rate-Bills on parents sending children to the School, and not Rate on Property, of course, they alone can impose and collect such Rate-Bills. It is, however, gratifying to know that, in the very great majority of instances, the Township Councils sympathise with Trustees in their efforts to improve and furnish School Houses, and to establish Free Schools, the cases to which I have referred being exceptions to the general rule. In some instances, Township Councillors would be glad to provide, forthwith, for making all the Schools free within their municipalities.

4. Inquiry has also been made, as to what property in a School Section is liable to be taxed for school purposes? The terms employed by the Act are "taxable property, as expressed in the Assessor, or Collector's, Roll," and "the freeholders and householders of such Section." It will, therefore, be observed, that all descriptions of "freeholders and householders," are

included, whether resident, or non-resident,—there being no exception. All "taxable property" is also included, whether wild lands, or cultivated lands, or personal property; or, whether the property of absentees, or residents,—all is made tributary to the great interests of education. In collecting school rates from resident freeholders and householders making default of payment, the provisions in the Twelfth Section of the School Act authorize Trustees to proceed to collect by Warrant; but the eleventh clause of the same Section authorizes them:

"To sue for and recover, by their name of office, the amounts of school-rates or subscriptions due from persons residing without the limits of their Section, and making default of payment."

IV. ENCOURAGEMENT TO PERSEVERE IN THE PROMOTION FREE SCHOOLS, NOWITHSTANDING THE ADVERSE LEGISLATION OF 1849.

It appears appropriate in making a "new departure" under the School Act of 1850, to review the experience of the past, and to take courage for the future, notwithstanding the adverse legislation of last year. We should now seek to awaken afresh the recollection of first principles, on which our School System is founded, and also to analyze the criteria of educational progress that we have made, so that we may be eventually animated to prosecute, with becoming energy and zeal, the noblest work of any Country,—the Christian, and universal, and practical education of its youthful population. In the first number of the "*Journal of Education*" I inserted an Address to the People of Upper Canada on the "System of Free Schools,*—a System which is based upon the principle that every child in the Land has a right to such an education as will make him a useful member of society, and that every inhabitant of the Land is bound to contribute to that national object according to his property,—a System, the life of which is the genius of Christianity, the Soul of Patriotism, and the Spirit of the Highest Civilization.

It is my present object to present some of those grounds of encouragement with which the facts and experience of the past year furnish us, (in addition to those mentioned in my Annual Report, as published in Chapter XIII of this Volume,) to persevere in the work of educating our own and our country's offspring.

1. And the first encouraging omen which I shall mention is the deep hold which Free Schools have taken of the public mind in Upper Canada. The first public enunciation of this principle in 1846 was received with general surprise and doubt,—with wide spread suspicion, and, in many instances, with avowed hostility. In some cases it was dismissed by an editorial sneer; and in other cases it met with a less courteous reception; was, at one time, assailed as public pauperism and at another time denounced as a conspiracy against individual liberty. But, like many of the most important Reforms and improvements in the institutions of society which were once misunderstood, denounced and ridiculed, the principle of Free Schools has risen above misconception, and, therefore, above misrepresentation and reproach, and stands forth now as much an object of respect and admiration, as it was a short time since an object of suspicion and contempt.

2. The explanatory and matter-of-fact Free School Address referred to called forth an approving response from several influential Members of the Canadian Press; and it is a somewhat singular coincidence, that, during that same month the Superintendent of Schools for the State of New York called the earnest attention of the Legislature and citizens of the State to the great importance of establishing Free Schools throughout the whole of that State. He, at the same time, submitted the Draft of a Bill which provided that, on the vote of a majority, every individual in the State would be compelled to adopt the System of Free Schools. I submitted a Draft of a Bill, giving liberty and power to the inhabitants of each School Section, (but not compelling them,) through their Trustee—representatives to adopt the Free School System, without reference either to the Executive Government, or to the Municipal Council.†

3. In the State of New York, the compulsory and general Free School Bill has become law; in Upper Canada, the Draft of Bill submitted to facilitate the establishment of the local and voluntary Free School System has not been adopted,‡ and more forms and obstacles are interposed by the new School Act in the way of establishing the Free School system in any Section than existed under the Act of last year.§ But, notwithstanding, this partial impediment in legislation, (which I have reason to believe was unintentional on the part of the Government,) the principle of Free Schools has been advancing among the people in every County of Upper

* This Address will be found on pages 73-81 of this Volume.

†See pages 74-76 of the Sixth Volume, 190 of the Seventh Volume, and page 87 of the Eighth Volume of this Documentary History.

‡ It was not finally adopted by the Legislature of this Province until 1871.

§ That is, the question of a Free, or "Rate Bill," School had to be brought up at each Rural School Section Annual Meeting, and the question of a choice between the two financial kinds of Schools had then to be decided by a formal vote of the ratepayers. This annual contest in the Rural School Sections continued from 1850 until 1871, when the Legislature enacted that Free Schools should, in future, be the Law of the Land.

Canada ; and the inhabitants of many Sections have submitted to all the forms and conditions required by the law, in order, if possible, to obtain the establishment of Free Schools ; nay, more, the Local Superintendents have assured the Department that the conviction is becoming very general among the people, that the Free School system is the only true one,—the only one that will ensure the education of their children,—the only one that will command good Teachers and lead to the erection of good School Houses throughout the Land. I indulge the sanguine hope, that the first year of the approaching half century will witness the establishment of Free Schools in many whole Counties, if not generally throughout the whole Province of Upper Canada.

4. Let every friend of sound and universal education be impressed with the fact that that object has never been, and can never be attained except where all the people of all ranks and classes are combined for the education of all. For more than thirty years has a general system of Common Schools been established in the neighbouring State of New York ; and, yet, throughout the rural country parts of that State, official reports show, that comparatively little progress has been made in the character and efficiency of the Schools ; while during the last few years the most astonishing advancement has been made in the Schools of Cities and Towns. The whole circle of legislative change and amendment has been completed in the State School Law ; so that, during the last year, or two, the school legislators have found themselves unconsciously adopting many of the leading provisions of the first State School Law, passed more than thirty years ago. The New York State School Law had undergone every variety of modification, yet a large proportion of the country Schools had undergone little, or no change. In 1844, a State Normal School was established at Albany to accomplish what legislative and ordinary exertions had failed to effect ; but it was manifest that the grand fulcrum for intellectually uplifting the whole community was still wanting and the example of the Free School in Cities and Towns and other States was showing, with increased clearness, what that fulcrum was. It has at length been adopted, and, on it, is placed the lever of the whole State education machinery and to that is applied the concentrated power of public opinion, ambition and patriotism in the cause of education. The result cannot be mistaken, although the power of human imagination is inadequate to picture it.

5. And why may not the goal which has been sought for during more than thirty years by our New York neighbours be reached by the people of Upper Canada in five years ! Why may we not march directly to the consummation which has cost others so many years of varied experiment and earnest disputation ?* In leading his army across the Alps, Napoleon profited by the experience and losses of Hannibal ; and amateur travellers now avail themselves, as a pleasurable excursion, of the Simplon highway of Napoleon,—constructed at the expense of so much labour and treasure. Who would think of crossing the Atlantic in the petty Bark of Columbus since the invention of Steam Packets ! We should not be less wise and less practical in the momentous affairs of Common Schools. They require the simple application of a few great principles ; they demand, not legislative experiments, but patriotic exertion,—the united hearts and hands of all for the common interests of all.

6. A second encouraging circumstance connected with our Common Schools is the increased attention and interest which are beginning to be manifested in regard to School Legislation. A School Law is the mere instrument of establishing Schools on the best foundation, and of supporting and maintaining them in the best manner. The more simply and easily applied that instrument is the better ; but no School Law can be self-operative, any more than any other law, and its efficiency essentially depends on the skill and energy with which it is wielded, and the provisions it contains for the development and application of that skill and energy with uniform accuracy, and to the best advantage. Hitherto comparatively little interest has been felt on the subject of School Legislation , it has occupied a very subordinate place in Executive deliberations ; it has not commanded one really thorough, or serious, discussion in the deliberations of Parliament ; important School Bills have been passed into laws without being either discussed, or understood. But a brighter prospect now opens. The Government has formally and publicly expressed its determination to bestow upon the subject of Common School Legislation that attention which its importance demands ; the public Press is beginning to give more attention to the subject ; and public interest has advanced perhaps fifty per cent. under the experience and facilities for information of the last two, or three, years. The elective authorities of the several Cities and Incorporated Towns have, with unexampled unanimity, evinced an earnest desire to maintain and mature the System of Schools recently established among them , and the pervading spirit of the entire public mind is, to have good Schools and universal education without regard to sect or party. The instances in which personal acerbity and party feeling mingle their bitter waters with the discussion of the subject, are marked exceptions to the general tone of the Press, and clearly meet with no response from the Country at large. But, in whatever spirit the subject may be approached, the discussion of it must tend to draw public atten-

*And yet, instead of the "five years," as here anticipated, it took us in Upper Canada twenty-one years,—from 1850 to 1871,—to arrive at the consummation here so hopefully looked forward to by Doctor Ryerson.

tion to it ; and past experience shows that the calm and deliberate decisions of the public mind at large are generally on the side of social elevation and intellectual progress. This has been most decidedly the case, thus far, in regard to our School Law and School System.

7. Our School Law, as well as that of every educating Country, requires the Head of the Department not only to administer the Law and to report its operations, but, from time to time, to report also as to the efficiency, or inefficiency, of its provisions, and to point out their defects, and suggest the proper remedies. The report of every Superintendent of Schools in the neighbouring States presents examples of the fulfilment of this duty ; and the Chief Superintendent of Education in Upper Canada would fail in obeying the law under which he acts, and be unworthy of his position, did he not, at the most suitable times, plainly and fully state to the proper authorities the conclusions of his own experience and judgment in regard to what he may think defective in the School Law, and the best means of amending it. The Law which imposes this responsible duty on the Chief Superintendent assumes, of course, that some attention will be given to the subjects of his suggestions. The appreciation of the spirit of the School Law in this respect by the leading and considerate men of all parties, affords assurance to all friends of Popular Education throughout the Land, that our School Law and School System will soon be placed upon a firm foundation, and not be hereafter disturbed in any of their parts without due inquiry and felt necessity.

8. Another ground of encouragement in our Country's Educational Work, is the practical proof already acquired of the possibility of not only improving our Schools, but of successfully emulating our American neighbours in this respect. Often have we heard this, both privately and publicly, pronounced Utopian ; and often have we sought, in friendly discussion, to prove that it was neither impracticable nor extravagant to aim at rivalling our New York neighbours in our Common Schools. In addition to general reasoning, facts may now be adduced to establish this position ; and these facts are as honourable to the people of Upper Canada, as they are cheering to every patriotic heart. (1), One fact is, that the average time of keeping the Schools open by qualified Teachers during the last two years, in the State of New York, has been eight months, while in Upper Canada it has been eight months and a half. (2), A second fact is, that the amount raised by school Rate Bills has been quite as large in Upper Canada, in proportion to the population, as in the State of New York. (3), A third fact is, that the amount raised by local assessments has been as large in Upper Canada, in proportion to the population, as in the State of New York. (4), A fourth fact is, that the same has been the case in regard to the amounts raised by local voluntary assessments over and above what the Law has required in order to secure the apportionment of the Legislative School Grant,—which, by-the-bye, is as large in proportion to the whole population in Upper Canada as is the Annual Common School Fund in the State of New York. (5), A fifth fact is, that the number of Student-teachers attending the Normal School in Upper Canada is larger, in proportion to the whole number of our Schools, and of our whole population, than in the State of New York. (6), A sixth fact is, that considerably more progress has already been made towards introducing uniformity of Text-books in the Schools of our rural districts, than has ever yet been effected in the State of New York. (7), A seventh fact is, that salaries are offered to, and obtained by, good Teachers from the Normal School at least twenty-five per cent. in advance of what was offered two years ago.

9. Now, these facts of a few years' growth in Upper Canada, in comparison with kindred facts of thirty years' growth in the much older State of New York, fully warrant the statement I have made, and indicate a noble spirit of intellectual progress and patriotism among the people, from which may be developed the indefinite improvement of our Schools, and the ready application of all facilities for diffusing useful knowledge which the wisdom of the Legislature may provide. For the sake of brevity, I will pass over several other less prominent facts of an encouraging character, and conclude by two practical remarks.

1. The first is, that no feeling of discouragement should, for a moment, be yielded to, in consequence of any of the unfortunate provisions of the new School Act of 1849. Its provisions will not seriously affect any of the local authorities and interests until the arrival of the period for collecting Rate-bills, distributing the School Fund, and preparing the School Reports for the current year ; and, before the arrival of that time, the Legislature will meet, and will no doubt make such provision as will promote the best educational interests of the Country.* Municipal Councils, School Trustees, and Teachers need not entertain any apprehension as to any loss, or diminution, in the amount of the Legislative School Grant for the current year ; or, as to the requisite legal provisions to enable Trustees to fulfil all the engagements which they may enter into with Teachers.

10. The last remark is, that all the friends of education should continue to guard against the admission of anything like a sectarian, or party, spirit in our School Affairs. From whatever source it may proceed, or on whatever pretext founded, let it be frowned down as the worst

* Which it did, by the passage of the important School Act of 1850, which will be found on pages 31-49 of this Volume.

enemy of themselves and children. In every community, in almost every locality, there will be found individuals steeped in the spirit of extreme partizanship.—men of one idea, and that idea commonly one of proscription, or hostility, against some body, or party; and to realize that idea, no sacrifice of educational and public interest seems too great in the estimation of its possessors. These partizans of one idea have broken up many a School, deprived many a child of educational instruction, and impeded the progress of many an improvement in the relations and interests of society. The history of our Country affords ample evidence that the spirit of extreme partizanship has been its greatest bane; and in no respect is the blighting influence of that spirit so fatal as in the question and affairs of Common Schools, the very existence and character and advancement of which are so entirely depending on the combined feelings and mutual co-operation of the people, among whom they are established. In whatever matters difference of opinion may exist among us as a people, I am sure we may all agree in loving our Country, in loving our children, and in uniting to provide for them the best possible education. God grant that this one, grand, Divinely originated, and Divinely expansive idea, may, like Aaron's Rod, swallow up every serpent idea of petty partizanship, and impart to our posterity the noblest inheritance that parental wisdom and public patriotism can bequath.

TORONTO, January, 1850. EGERTON RYERSON.

CHAPTER XV.

EVIDENCE GIVEN BEFORE THE FINANCE COMMITTEE OF THE HOUSE OF ASSEMBLY, BY THE CHIEF SUPERINTENDENT OF EDUCATION, 1850.

In 1850, one of those periodical movements,—the object of which was technically designated as "Retrenchment in the Public Expenditure,"—took place, and a Finance Committee was appointed by the Legislature to inquire into the expenditure of all the Government Departments, including also the several Branches of these Departments. That inquiry into the expenditure of the Education Department, as also into the expenditure of the other Government Departments, took place in 1850. The following is a statement of the proceedings of the Finance Committee, so far as they related to the inquiry into the financial operation of the Education Department.*

THE CHIEF SUPERINTENDENT'S EVIDENCE BEFORE THE FINANCE COMMITTEE.

The Reverend Egerton Ryerson, D.D., Chief Superintendent of Education for Upper Canada was called in, and submitted, on the 22nd of July, 1850, Answers to the Questions proposed to him by the Committee:

Question. Would you explain to the Committee the nature of the duties of the Clerks in the Education Office, and give your opinion as to the amount of salary which, consistent with the efficiency of the public service, should be granted to those Clerks?

Answer. In answering this question, I think it proper to advert, in the first place, to the general duties of the Education Office. These are two fold, relating to the Schools in general, and to the Normal and Model Schools, in particular. In reference to the former, each of the 2,871 actual Schools, (or rather 3,036 School Sections,) in Upper Canada, must be supplied with a copy of the School Act, and of the Forms and Instructions to execute it; so, also must each of the local School Officers, Councils, etcetera. Each of the Local School Superintendents and each School Corporation must be provided annually with a blank School Report. All these blank Reports, Forms, etcetera, are prepared in, and sent out from the Education Office. With each of the Municipal Councils, each of the Local Superintendents, and with a large proportion of the 2,871 Schools, (either Trustees, or Teachers, or both,) more, or less Correspondence takes place, from time to time, and this Correspondence, in a majority of instances, involves general principles, or questions, of law, arising out of disputes,—a desire for information on doubtful points, modes of proceeding, or school improvements of some kind.

*This matter, so far as the Education Department was concerned, is referred to on page 15 of this Volume.

In this Correspondence, the object of the Department is : not to deal in dry technicalities, but to give every possible information, to impart correct views, and inspire proper feelings, in regard to the great objects and interests of the School System.* The Legislative School Grant is to be annually apportioned to each City, Town, Villlage and Township, as well as County, in Upper Canada, and notified to the Municipal Councils ; and the data of that appointment must be annually collected from these localities and examined, which often causes considerable trouble and correspondence, in consequence of defective Returns, The financial supervision extends, (as the Official Returns in the Office will show,) not only to every Municipality, but to every Common School, receiving public aid in Upper Canada ; and the various Statistical Returns must be compiled for my Annual School Reports,—a work for Mr. Hodgins, the Senior Clerk, of some months. In addition to this are the Contingencies and Quarterly Accounts, preparation of School Bills, correspondence on the School Law—which has hitherto been considerable, (as that printed by Order of the Legislative Assembly last year shows), but which, I hope, will be less in future,—various applications and calls at the Office for information, advice, etcetera, by persons interested in school matters, besides the usual routine common to all Public Departments. All the Letters, Reports, and other Documents received at the Office, must be endorsed and fyled away ; all the Official Letters and Documents sent from the Office must be copied twice, by hand, from the original Drafts,—first, for the post, and secondly, into the appropriate Letter Books of the Office ; many of them are copied a third time for special use,—as in respect to the whole of the Correspondence on the School Law laid before Parliament now, the mechanical part of these various duties and labours is performed by the two Clerks in the Education Office,—the Senior Clerk being responsible, the Junior Clerk assisting him. Besides, the Senior Clerk affords much assistance to me daily in giving information to parties applying at the Office, and acts as my Deputy, in my absence,—he having thoroughly studied and mastered the School Law and School System, both in its principles and various details and applications.

In respect to the Second Branch of duties of the Education Office,—those relating to the Provincial Normal and Model Schools,—I observe that the creation of this most important department of our School System, has added much to the responsibilities and duties of the Education Office,—much more than I had intended, or anticipated. It has, of course, fallen to me to originate and devise everything connected with the establishment and location of the Institution ; the appointment of Officers and their duties ; all the details of its government and system of management, and measures for improving its efficiency and usefulness. The deliberation and decision of these matters have required no little time on the part of the Upper Canada Board of Education,—(now the newly created Council of Public Instruction,) after they have been brought before it. And, although I have taken no part in teaching, nor in any way assumed the relation of the Masters to the Students in the Normal School, the Masters have, ever since its establishment, had almost daily consultations with me, respecting occurrences and matters connected with the operations of the Institution. The additional duties which have devolved upon Mr. Hodgins, Chief Clerk, from the establishment of the Normal and Model Schools, have almost been beyond anything which I had anticipated. The law simply provided that he should be "Recording Clerk to the Board of Education, and enter all its proceedings in a Book to be kept for that purpose." But, in addition to that, and giving notices of all Meetings of the Board, it has been found advisable not only to conduct the correspondence, but to manage all the financial affairs of the Normal and Model Schools, through the Education Office,—a duty from which the Office and its Clerks are exempted in the neighboring State of New York. Of course, the execution of all the orders and plans of the Board is under my direction and upon my responsibility ; and the Chief Clerk is responsible to me.

The system of management is as follows :—

Everything done, or procured, on behalf of the Normal and Model Schools,—including fittings, furniture, repairs, books and stationery,—takes place through the Education Office. An order, according to a prescribed printed form, must be sent into the Office of the Department, signed by the Masters of the Normal School, addressed to the Chief Superintendent, for every article required in either School, whether of Books, Stationery, or repairs about the premises. If it be a matter of ordinary contingency, the Chief Superintendent approves the order under a general regulation of the Provincial Board ; if it involves any special expenditure, he lays it before that Board for its consideration and decision. In either case, the execution of the order is entrusted to the Chief Clerk, who purchases all the Books and Stationery required for about One Hundred students in the Normal School, and Two Hundred and fifty pupils in the Model School,—stores them away in a Room for that purpose in the Department,—gives them out on the order prescribed,—noting and filing away the orders, together with the bills of all articles

* This view of one of the duties of the Education Department was, in a somewhat varied sense, held by Judges of the Superior Courts in cases were appeals were made to these Courts on matters which the law authorized the Chief Superintendent to decide. Thus, in the case of an appeal on the subject, Chief Justice Robinson said that he had some doubt whether [the law authorizing him "to decide upon all matters and complaints submitted to him which involve the expenditure of any part of the School Fund"] does not make the Chief Superintendent the proper tribunal for determining all claims upon any part of the School Fund" 10 Q. B. R. P. 472.

Mr. Justice Burns also held that "the duties imposed upon the Chief Superintendent . . . show that the Legislature intended to provide a domestic forum for the settlemement of School questions."

purchased, or work done, so as to compare the items on each Bill with the orders and entries in the accounts furnished and audited at the end of each quarter. It also devolves upon the Chief Clerk to prepare all accounts laid by the Chief Superintendent before the Board of Education, at the end of each quarter : to pay the same, as also the salaries of the Masters, Servants, and so forth, employed in the Normal and Model Schools ; to keep the vouchers, arranging, numbering, and filing them away ; to keep the Cash-Book, Ledger, Account Current, and other, Books required ; to receive the fees, weekly, from the Model School Masters, also money for the Copy and other School Books sold there, and at the Department ; to attend at the Normal School every Saturday during each Session, to pay and take the receipt of the Students to whom weekly aid is given ; and generally to attend to all other mechanical duties required in connection with the Normal and Model Schools, embracing a variety of details, which it is needless to enumerate. I believe that hundreds of pounds have been saved by this system of careful and economical management ; and it is by this means that so much has been done with so small a grant for the establishment of the Normal and Model Schools.

Then as to the salary of the Clerks, I think the salary of the Senior Clerk ought to be £250 per annum In the Common School Education Office of the State of New York, at Albany, the salary of the senior clerk is $1,000 per annum ; and I have reason to know that his duties are neither so various, nor so responsible, as those of the same Chief Clerk here. The Senior Clerk in the Education Office there has nothing whatever to do with any matters connected with the State Normal School ; nearly all the correspondence of the Office is conducted by means of printed forms, and its decisions and instructions given through the monthly State " District Common School Journal," a copy of which is furnished at the public expense, by order of the Legislature, to every School district, or section, in the State.

The Chief Clerk of this Office is a person of good classical education,—a man of general intelligence and ability,—has been selected on the ground of his fitness for the office ; he went home to Dublin, at his own expense, and at the sacrifice of a year and a quarter's salary, and made himself familiar with the several departments of the great Educational Office of the National Board in Ireland, and returned with the high testimonials of the Board.* He has assisted me in the Office ever since I have had charge of it, except during his year's absence on my recommendation. The duties of the Education Office are very different from those of an Excise, or Post Office, and require a different class of qualifications. I desire those, and no other, to aid me who feel as deeply interested in the duties and objects of the Office as I do, and who will study and labour to advance the interests of education and knowledge in every possible way ; and such, I believe, is the case in regard to both the Senior and the Junior Clerks. In regard to the salary of the Junior Clerk, I dare say a purely mechanical copyist might be obtained for less than £175. But I think in a Department, the whole object of which is to promote education, it is desirable and important that each person employed possess good attainments, and be worthy of implicit confidence, and cherish an intelligent and patriotic ambition for the educational and social advancement of the Country. It has been as much my object to seek out persons of this description as my Assistants, as to seek out persons of right feelings and proper qualifications as Masters of the Provincial Normal and Model Schools. I believe I have been successful in both cases. The efficiency of my Department is promoted by the talent, intelligence and zeal of each person connected with it ; and I do not think that £175 per annum is too much to encourage and aid a young man, such as I have mentioned, to consecrate his time and his life to an employment, in which every accession of experience, talent and knowledge may be rendered extensively useful. A second Clerk was allowed, about two years since, on the unanimous recommendation of the Board of Education ; and the new School Act greatly increases the duties of the Department.

Question. Can you suggest any means by which the Contingencies and other Expenses of your Office can be reduced, having due regard to the efficiency of the Public Service ?

Answer. I cannot. Having made it my study and ambition to do as much as possible at as little expense as possible.

Question. Are the Clerks employed in the Education Office in any way occupied in the printing, publishing, or getting up of the " *Journal of Education.*"?

Answer. I write the Editorial articles and make the selections myself : the Senior Clerk collects and prepares the Educational, Literary, and Scientific Intelligence, contributes occasional Editorial notices, and articles ; and reads the proofs,—which he usually does in the evenings, and after or before, Office hours. The Junior Clerk addresses the *Journal of Education* to persons, to whom it is sent, but only during Office hours, when haste is required. Every thing done in connexion with the *Journal of Education*, has been done as not appertaining to the duties of the Education Office, but as a gratuitous contribution to the public, for which, (preparing nearly four hundred closely printed octavo pages per annum,) neither the Clerks nor myself have received a farthing's remuneration, except the pleasure and hope of doing good ; besides which, at the conclusion of each Volume, a considerable balance has been left against me

* A copy of these Testimonials will be found on page 119 of the Fifth Volume of this Documentary History.

on the score of the mechanical expenses of the publication,—which I have paid myself. Many copies of the *Journal of Education* have also been gratuitously sent, at my own expense, to Members of the Legislature, and other Public Persons.

But while I have proceeded in the manner above stated, I wish to state distinctly, that I consider all that has been done in reference to the getting up the *Journal of Education* as coming strictly within the duties of my Office, and that I might properly, not only have done all that the preparation of it required during Office hours, (could time have been commanded), but that I might have fairly asked the balance necessary to defray the expenses of its publication, as contingent expenses of my Office, instead of paying, from time to time, such balance myself. The School Law expressly requires, (and has done so from the beginning,) the Chief Superintendent of Schools, among other things, "To employ all lawful means in his power to collect and diffuse information on the subject of Education generally among the people of Upper Canada." It will be seen by the printed Correspondence on the School Law, recently laid before Parliament,* that, as early as the 29th of December, 1846, I proposed the publication of the *Journal of Education*, as one means of carrying out the provisions of the School Act just quoted. The needful sanction having been obtained, I commenced it in January, 1848. If, then, even more than two, or three, days of a Clerk's time had been employed each month, in promoting such an object, it would have been in accordance with the letter and spirit of the law. In the State of New York, the law authorizes the Superintendent of Common Schools to "subscribe for a sufficient number of copies of some monthly periodical exclusively devoted to 'Education,'" to supply a copy to each of the 11,000 Common Schools in the State. In the Prospectus of the *Journal of Education for Upper Canada*, it was stated :—"The whole amount of the subscription will be devoted to the support and improvement of the Journal, independent of editorial management." A strict and separate account of every farthing received, has been kept, and devoted as intimated. If, then, I have undertaken to do, without a Legislative appropriation, what such an appropriation has been made in the State of New York to accomplish, I think the economical complaint to the Finance Committee, implied in the Question, which I have now answered, might, upon the soundest principles of public economy, have been a recommendation to the Legislature to aid me in circulating a monthly periodical, wholly devoted to Education, upon broad Christian and patriotic principles.

If it be said, that the law has not expressly authorized the publication of an educational periodical by the Chief Superintendent of Education, I reply, neither has the law expressly authorized him to take steps to establish a Provincial Normal School—yet he has done so, and, in doing so, has, I think, as well as in establishing a *Journal of Education*, but carried into effect the provisions of the law.

II. FURTHER EVIDENCE OF THE CHIEF SUPERINTENDENT OF EDUCATION, IN THE FORM OF A LETTER, TO THE FINANCE COMMITTEE

In addition to the foregoing Answers to Questions proposed by the Finance Committee of the House of Assembly, the Chief Superintendent wrote the following explanatory Letter to the Chairman of that Committee :—

In the Votes and Proceedings of the Finance Committee of Wednesday, the 24th instant, I observe, in the answer of the Chief Superintendent of Education for Lower Canada to certain Questions of the Committee, allusions to the Education Department of Upper Canada, calculated to convey a very erroneous impression, I desire, therefore, to make some further explanation, in addition to the Answers given in to the Finance Committee by me on Monday, the 22nd instant.

As there were last year 1,800 Common Schools in Lower Canada, while there were 2,800 in Upper Canada, and, as the total expense of office management in Lower Canada was £1,678, while that in Upper Canada was £891, the Superintendent of Education in Lower Canada accounts in part for the excess in expenditure in his Department over mine, by reference to my Office, which I beg to correct.

Whether the population of Lower Canada is much larger than that of Upper Canada is, I think, a doubtful question ; but I think it is not doubtful that the correspondence of an Education Office is rather affected by the number of Schools in charge than by the population at large ; and it must require more expense of printing, stationery, and labour, to supply 2,800 Schools than 1,800. And, had I sent out all the printed copies of the School Act, Forms and Regulations, blank reports, etcetera, by mail, instead of, to as great an extent as possible, by stage and steamboat, (at a comparatively trifling expense), I might have easily more than doubled the postage expense of this Department.

* Inserted on page 224-250 of the Eighth Volume of this History.

As a small set off for the trouble and expense of the management of the affairs of the Normal and Model Schools through my Office, (a charge from which the Education Office in Lower Canada is exempt,) the servants attending upon those Schools, employed by the Board of Education, have performed the Messenger duties of the Education Office. To this I may add that, having procured as a gift Twenty-five complete sets of the series of School Books and Reports of the National Board of Education in Ireland, I presented a set of each to the District and City Municipal Councils in Upper Canada, and conveyed them to the Councils to which they were presented without any charge to the Department. I do not think that any one step has contributed more than this to make the excellence and cheapness of these valuable Text Books known to the leading minds of the various Counties, and to secure their extensive introduction into the Schools.

As to the "Superintendent of Education for Upper Canada having been provided with everything necessary (office room, furniture, etc), a few days after his appointment," I remark, that for two years after my appointment, I provided my own Office; and, on the removal of the Office from Cobourg to Toronto, in June, 1846, when the Board of Education was appointed, and steps taken to establish a Provincial Normal School, I devoted a part of my own Residence for the Meetings of the Board and the work of the Education Office, until the following January, 1847,—providing Office attendance and fuel, for the last three months of the time,—for which I never asked, nor received, a farthing's remuneration.

I should not have adverted to any of the subjects above mentioned, had it not been for the reference, to which I have alluded. But, as I had not myself instituted any comparison between the Education Offices of Upper and Lower Canada, I do not think that I should allow, without correction, a comparison of the kind to be instituted upon erroneous and prejudicial reference to my Department.

Under the single head of salaries, the Chief Superintendent and Clerks in the Education Office of Lower Canada received last year (besides arrears,) the sum of £900, while the corresponding officers in Upper Canada received only £655. Nor have I charged the Department a farthing for all my travelling expenses since 1847, though they have amounted to a considerable sum, and would, I dare say, have been allowed had I submitted them; as no item, that I have ever charged in the Contingent Expenses of my Department has, in any one instance, been objected to. This year the Contingent Expenses of my Office will be necessarily increased, as I must supply, not only copies of the new School Act with Forms, Regulations and Instructions to all the Common Schools, Councils, etcetera, in Upper Canada, but I propose, in addition, to prepare and furnish blank School Registers, Visitors' and Trustees' Books; so as to relieve the Local School authorities from the inconvenience they have heretofore experienced for want of such Books, and the requisite information to procure them, and correctness and uniformity in the working of the entire School System.

TORONTO, 29th of July, 1850. EGERTON RYERSON.

COMPARATIVE COST OF THE PROMOTION OF EDUCATION IN UPPER AND LOWER CANADA BY THE GOVERNMENT

In connection with the foregoing reference to the comparative Expenses of the Department of Education in Upper and Lower Canada the following Letter on the subject indicated by the above heading, written by Doctor Ryerson, in reply to a correspondent of the Montreal *Pilot* may be appropriately inserted here. He said:—

A writer in the Montreal *Pilot*, having instituted a comparison between the efforts of the Government to promote Education in Upper and Lower Canada, I desire to say that whatever Upper Canada has got, she has got it primarily and simply through the instrumentality of her Chief Superintendent of Education, who has framed the Laws, and matured every Measure and proceeding for the accomplishment of everything stated by your correspondent; and he has done so without the additional Grant from the Legislature, or Government, of one single sous for Common School purposes. All that has been done in Upper Canada has been done out of the Upper Canada share of the £50,000 annual grant for the support of Common Schools. So far from the Superintendent of Education in Lower Canada having been "with hardly any means at his disposal" while the Superintendent of Education in Upper Canada has been assisted with "lavish profusion," the former has had at his annual disposal the Lower Canada share of the £50,000, amounting to the sum of £29,000, ($116,000,) while the latter has had only £21,000, ($84,000,)—the Upper Canada share of the grant. All that has been done in Upper

Canada for the establishment of a Normal and Model Schools, Teachers' Institutes, and so forth, has been deducted from the £21,000. The uniform series of Text-Books has been introduced without costing the School fund, or the Province one penny, but, on the contrary, effecting a great saving to the public in the price of Text-Books, as well as in the improved system of instruction thereby introduced; and the *Journal of Education* has been established by the Chief Superintendent himself, and continued at his own expense. It appears also from printed parliamentary papers, that the expenses of the Lower Canada Education Office in 1849 were £1,678, ($6,712,) while those of the Upper Canada Education Office were only £891, ($1,164.) It is thus plain that the "lavished profusion" has been all on the side of Lower Canada, while the stinted means but the gratifying success have been on the side of Upper Canada. . .

TORONTO, July, 1850. EGERTON RYERSON.

CHAPTER XVI.

PROPOSED MEANS TO PROMOTE THE EFFICIENCY OF THE SCHOOL SYSTEM OF UPPER CANADA.

The efforts put forth by the Education Department in 1848, to bring the mode of teaching in the Normal School home to the Schools of the Country, in a practical shape, was very much more successful than was at first anticipated.* It was felt that to follow up that plan of reaching the Schools and of coming into personal contact with their Teachers would be sure to lead to a vast improvement in the methods and practice of such Teachers of the rural Schools as had not the advantage of a Normal School training. The Chief Superintendent, therefore, decided early in 1850 to apply to the Government for authority under the School Act of 1850, to hold, in that year, a series of Teachers' Institutes, by the Masters of the Normal School, in the various Counties of Upper Canada. With that view, he addressed the following Letter to the Honourable James Leslie, Provincial Secretary, on the subject. The Letter explains the purpose and object of these Institutes:—

1. THE HOLDING OF COUNTY TEACHERS' INSTITUTES BY THE MASTERS OF THE PROVINCIAL NORMAL SCHOOL.

The sixty-fifth Section of the present School Act, of 1850, (12th Victoria, Chapter 83,) authorizes the Governor-General-in-Council, to sanction the holding of a Teachers' Institute, (or meeting of Teachers during a few days for professional improvement,) in each County in Upper Canada, "under such Regulations as may be prescribed by the Chief Superintendent of Education."

As the Board of Education for Upper Canada has determined not to commence the next Session of the Normal School before the first of September, 1850, it has been proposed and concurred in by the Board, that the Masters of the Normal School should employ a part of the next four months in holding short Teachers' Institutes in the several Counties of Upper Canada. The Masters of the Normal School have heartily responded to the proposal; and, I think, we shall be able to provide for their travelling expenses out of the Grant to the Normal School, and not ask for any part of the sums allowed to be advanced out of the general School Grant, by the Section of the Act referred to.

I respectfully pray, therefore, that the Governor-General-in-Council, will be pleased to sanction the holding of such Teachers' Institutes, during the ensuing Summer.

EGERTON RYERSON.

TORONTO, 24th of April, 1850.

* The mode adopted to bring this desired object about was to request the Head Master of the Normal School to embody the result of his long experience as School Inspector, in a series of suggestions to the local County Inspectors, as to the best methods of inspecting Schools. See pages 52-56 of the Eighth Volume of this Documentary History.

REPLY. I have the honour to inform you that His Excellency, the Governor General-in-Council, has been pleased to approve of the suggestions contained in your Letter of the 24th instant, videlicet, that the Masters of the Normal School should employ a part of the next four months in holding short Teachers' Institutes in the several Counties of Upper Canada.

J. LESLIE, Secretary.

TORONTO, 25th April, 1850.

CIRCULAR FROM THE CHIEF SUPERINTENDENT TO SCHOOL TEACHERS, AND SUPERINTENDENTS, ON THE HOLDING OF TEACHERS' INSTITUTES IN UPPER CANADA.

The sixty-fifth Section of the present School Act of 1850 authorizes the holding of a Teacher's Institute in each County in Upper Canada, under such Regulations as may be prescribed by the Chief Superintendent of Education, by and with the sanction of the Governor-General-in-Council.

The requisite sanction has been obtained for that purpose. The Provincial Board of Education has proposed to the Masters of the Normal Schools to devote a part of the next few months to conducting such Institutes; and Messieurs T. J. Robertson and H. Y. Hind have very cordially acceded to the suggestion, and expressed their utmost readiness to visit all the Counties in Upper Canada, as far as practicable, in the prosecution of a work for which they are so admirably qualified. It becomes, then, my official duty to specify some of the Regulations which should govern the proceedings of those Teacher's Institutes, before stating the times at which they will be held in the several Counties in Upper Canada.

A Teacher's Institute is a Meeting of Teachers assembled two, four, or ten, days, or two, or four, weeks, for the purpose of improvement in their profession During each evening of such Institute, a Public Lecture is usually delivered on some subject connected with Common School Education. During each day, the Teachers composing the Institute, are either formed into classes, for school exercises, under able instructors, or discuss the modes of teaching the various subjects, of Common School Education and School Organization and Discipline.

What is contemplated during the approaching Summer, is intended as a preparation for, or introduction to, Teacher's Institutes, rather than holding such Institutes themselves. It is intended to limit each Meeting, (with one, or two, exceptions), to two days, including two evening Lectures,—the first on the eve of the first day of the Institute, the second on the evening of that day. In some cases, a third Lecture may be delivered on the evening following.

The evening Lecture will commence at 8 o'clock. The exercises each day will commence in the morning at Nine o'clock, and continue until noon. and will be resumed in the afternoon at two o'clock, and close at five.

The subjects that will engage attention during these exercises will be chiefly, the Method and Principles of Teaching, Reading, Writing, Orthography, Geography, (with maping) Natural and General History, Grammar, and, in some instances, perhaps, higher subjects; also School Government and Discipline. Some of the subjects may occupy much less time and attention than others, according to their relative importance, and as circumstances may suggest. Collateral subjects may, on some occasions, be introduced; but the proceedings of each Institute will be under the direction of the Masters of the Normal School.

During many years such Institutes have been held in various parts of Germany; and, during the last four, or five, years, they have been held with great advantage and success in New York and the New England States They have been numerously attended by Teachers, School Officers, and other Educationists, and have been productive of the happiest results, in respect both to Teachers and large portions of the community where they have been held.

Shall we have proof, in the experiments now to be made, that such Institutes may be held with success in Upper Canada? Will Canadian Teachers show that they have as much energy and noble ambition to attend and participate in the proceedings of such Institutes as Teachers in other Countries. If Teachers desire their position and profession to be advanced, they must exert themselves, and not to depend on others, or sit down in complaining inactivity. No one circumstance would speak more in behalf of Canadian School Teachers than to see them, as one man, attending the Institutes about to be held; and the proceedings of such Institutes, largely attended, cannot fail to be individually useful to Teachers, and would give a powerful impulse to the cause of Public Education in Upper Canada.*

. . . . . .

The following are the times and places at which Messieurs Robertson and Hind will hold Teacher's Institutes for the several Counties in Upper Canada.

(NOTE. This list, being local and temporary, is not inserted here)

* The *Journal of Education of Upper Canada* for May and June, 1850, record the great success which had attended the holding of these Teachers' Institute Meetings.

Let it be specially observed that the first Lecture in each place above mentioned, will be delivered in the evening previous to the holding of the Institute ; and it is hoped that Teachers, and all others purposing to attend the Institute, will be present at the preceding evening's preliminary Lecture, and thus be prepared for entering on the proceedings of the Institute on the morning following.

EGERTON RYERSON.

TORONTO, 16th April, 1850.

II. BY THE OFFICIAL PUBLICATION OF THE JOURNAL OF EDUCATION.*

Two years after his appointment as Chief Superintendent of Education he addressed a Letter—in December, 1846—to the Honourable Dominick Daly, the then Secretary of the Province, on the importance and desirability of publishing a *Journal of Education,* in order, among other things, to aid the Department in the execution of the School law. It was not, however, until, in response to the following Letter, that the sanction of the Government of Lord Elgin was given to the official publication of that periodical. From January 1848 until July 1850, the Journal was published at Doctor Ryerson's personal expense.*

LETTER TO THE HONORABLE JAMES LESLIE, PROVINCIAL SECRETARY, JULY, 1850.

I have the the honour to submit to the favourable consideration of His Excellency the Governor General-in-Council, the propriety and advantage of my being authorized to make the *Journal of Education for Upper Canada* the medium of official notices, instruction, and so forth, to Municipal Councils Superintendents, and other officers concerned in the administration of the School Law. This will be a great saving in expense in postage, a convenience to this Department and to all parties concerned, and a means of diffussing much practical imformation on School matters generally.

In the neighboring State of New York, this practice has long obtained in the School Department. The State Superintendent is authorized to subscribe, annually, to the amount of Two Thousand, four hundred dollars, ($2,400.) for some monthly School Journal, of which he approves, to be supplied to each Schoool district. (called School Section with us,) throughout the State, and make such Journal the medium of publishing the School Law, and communicating on School matters with local School authorities. The Educational Journal selected is not edited, but only approved of, by the State Superintendent. On the contrary, I have assumed both the labour and responsibility of publishing a monthly Educational Journal. The Fifteenth clause of the Twelfth Section of the new School Bill of 1850, which passed the Legislative Assembly last week, makes it the duty of each Corporation of Trustees to procure, annually, for the benefit of their School Section, some periodical devoted to Education, I suppose, that, generally, if not universally, Trustees will feel it their duty and interest to procure the *Journal of Education for Upper Canada.* Making that *Journal* the medium of Official Notices, Communications, and so forth, would add to its value and usefulness, and render all parties interested in the School System, of Upper Canada desirous of procuring it ; and, as I purpose to do, as I have done,—devote every farthing received on account of the *Journal of Education* in defraying the mechanical expenses of its publication, every additional subscriber will enable me to increase its value by illustrations in different departments of art, science, and natural history, [and School Architecture,] and make other improvements which I cannot undertake without a large subscription.

The convenience and practical benefits of the suggestion which I now submit, may be inferred from the following extracts of reports by the Superintendent of Schools in the State of New York. In his report for 1847, he says,—

"The State subscription to this periodical [The District School Journal] has been continued by the undersigned [the Honourable N. S. Benton] since his appointment, under the full conviction of its necessity and importance, not only as a convenient medium of transmitting and diffusing the Orders, Regulations and Decisions of the Department, and the various Laws passed from time to time, by the Legislature, in relation to Common Schools, to every School Officer in the State, but, as a most useful agent in promulgating interesting and important information equally beneficial to the public."

The present State Superintendent of Schools (the Honourable C. A. Morgan,) in his School Report to the Legislature for 1849, received by me a few weeks since, says,—

* See pages 271, 272 of the Sixth Volume of this Documentary History,

"The continuance of the annual appropriation for a monthly periodical, exclusively devoted to the subject of Education, and which shall serve as a medium of communication between this Department and the officers and inhabitants of the several school districts, is respectively recommended."

I do not propose that any Notices, Circulars, Acts, and so forth, inserted in the Journal of Education should be charged as advertisements; but I only desire that the Governor General-in-Council may be pleased to approve of my employing this method of communicating with Municipal Bodies and School Officers on School matters connected with this Department.

TORONTO, 16th of July, 1850. EGERTON RYERSON.

REPLY. I am directed by the Governor General to state in reply to your Letter of the 16th instant that His Excellency has been pleased to direct me to communicate to you his approval of the plan therein proposed, videlicet, of making the *Journal of Education for Upper Canada* the medium of communicating official Notices, Instructions, and so forth, from your Department to Municipal Councils, Superintendents, and other persons concerned in the administration of the School Law in Upper Canada.

TORONTO, 30th of July, 1850. J. LESLIE, Secretary.

III. BY ESTABLISHING PUBLIC SCHOOL LIBRARIES IN UPPER CANADA.

With a view to collect specimens of interesting Books, suitable for Public School Libraries in the Cities, Towns, Villages and Townships in Upper Canada, the Chief Superintendent, in September, 1850, addressed the following Circular on the subject, to Book Publishers in the United States:—

I have the honour to invite your attention to measures which are about being adopted to introduce and establish County, Township, City, Town and School District Libraries in Upper Canada. In the Municipal system of government, which exists in Upper Canada, we have elective County, City, Township and Town Councils,—each of which is invested with authority to raise any sum, or sums, of money it may deem expedient for the establishment and maintenance of a School Library, or Libraries, for such County, City, Township, or Town. A certain portion of the Annual Public Revenue is set apart by an Act of the Legislature to encourage and aid in the establishment of such Libraries,—always upon the condition that there shall be raised, from local sources, a sum equal to what is granted from the Public Revenue. The amount available under these provisions of the Statute for Library purposes is about Twenty five thousand dollars, ($25,000), per annum, and will doubtless be annually increased.

The amount set apart annually by the recent Act of the Legislature for the establishment of School Libraries, is to be apportioned and expended under the direction of the Chief Superintendent of Education for Upper Canada. The Books for such Libraries, as well as the Text-Books used in the Schools, are to be recommended by a Council of Public Instruction, of which the Chief Superintendent of Education is a Member. Our School Law requires the Chief Superintendent of Education, among other things,—

"*Seventhly.* To take the general Superintendence of the Normal School; and to use his best endeavours to provide for and recommend the use of uniform and approved Text-Books in the School generally.

"*Eighthly.* To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading in the several Counties, Townships, Cities, Towns, and Villages; to provide and recommend the adoption of suitable Plans of School Houses, with the proper furniture and appendages; and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

"*Ninthly.* To submit to the Council of Public Instruction, all Books or Manuscripts, which may be placed in his hands, with the view of obtaining the recommendation, or sanction, of such Council for their introduction as Text Books, or Library Books; and to prepare and lay before the Council of Public Instruction, for its consideration, such general Regulations for the organization and Government of Common Schools, and the management of School Libraries, as he may deem necessary and proper.

"*Tenthly.* To apportion whatever sum, or sums, of money shall be provided by the Legislature for the establishment and support of School Libraries: Provided always, that no aid shall be given towards the establishment, or support, of any School Library, unless an equal amount be contributed and expended from local sources for the same object."

And among the duties of the Council of Public Instruction are the following:—

"*Fourthly.* To make such Regulations, from time to time, as it shall deem expedient for the Organization, Government, and Discipline of Common Schools; the classification of Schools and Teachers, and for School Libraries throughout Upper Canada.

"*Fifthly.* To examine, and, at its discretion. recommend, or disapprove, of Text Books for the use of Schools, or Books for School Libraries ; provided always, that no portion of the Legislative School Grant shall be applied in aid of any School in which any Book is used that has been disapproved of by the Council, and public notice given of such disapproval."

You will observe by these extracts from our School Law, that provision is made for the introduction and use of two classes of Books,—Text Books for our School, Books for our School Libraries. We have already adopted and introduced into more than two-thirds of our three thousand Schools in Upper Canada, on uniform and admirable series of Text Books,—except in the elements of Chemistry and some branches of Natural Philosophy. What we now have in view, and the object of this Communication, relates to the introduction of School Libraries. We are not yet publishers, or printers, of miscellaneous Books ; we must import them. We propose to do so, both from the United States and Great Britain. Most of our popular Library Books are as suitable to Canada, as they are to the United States.

I, therefore, address this Circular to you, to request of you, (if you think proper,) to transmit my address, and at the expense of this, Department, for carriage, specimens of such Books published, or sold, by you, as you may think would be suitable for Public School Libraries, and the lowest Cash prices at which you will, from time to time, dispose of such Books to this Department, for the purposes contemplated. The Council of Public Instruction for Upper Canada will cause each of such specimens of Books to be carefully examined, and select those of them which may be approved, recommend them in a Catologue to public favour. and procure as many copies of them, from time to time, as may be required for the proposed Libraries.

That you may fully understand our object and mode of proceeding, I beg to make the following additional explanation :—

1. As there are no Public Libraries in most of the Counties of Upper Canada, we intend to make the Public School Libraries as comprehensive as possible, to meet the public wants.

2. No part of the School Library Fund will be expended in the purchase of any Books not sanctioned by the Council of Public Instruction ; and the Books thus sanctioned and desired, will be procured through this Department.

3. The Books thus procured by this Department will be disposed of to the Local Councils and School Authorities, for the purpose of such Libraries alone, and not to any other parties of private individuals ; so that the introduction of the Books into our Public Libraries, will not interfere with the ordinary sale of them to private parties, but will be a sort of advertisement of them, and will probably contribute greatly to extend the sale and circulation of them through the ordinary channels of the Book trade.

TORONTO, 27th of September, 1850. EGERTON RYERSON.

EXPLANATORY NOTE IN REGARD TO THE SELECTION OF LIBRARY BOOKS.

Soon after the foregoing Circular was sent to the American Publishers Doctor Ryerson left Canada, on the 8th of October, 1850, on a visit to the United States and England, with a view to make personal arrangements with Publishers, in both Countries, for the supply of Library Books. As only a very few books had been received from the American Publishers, in reply to the Circular, and scarcely any of them of a description suitable for Libraries, I wrote to him Dr. Ryerson to that effect, while he was in England. In reply, he said :—

"I am inclined to think that the large Publishing Houses do not wish to go to the trouble and expense themselves of selecting the Books asked for ; but are quite willing and desirous of sending any number of Books that I may select from their Catalogues. A wish to this effect was expressed to me by one of the Harpers' firm, and I have had to pursue this course in London. Perhaps I shall have to do so in Boston and New York, before I return to Canada, and I shall then arrange with the American Publishers, individually, as to terms, the same as I have done in London.

I have not yet arranged with the Committee of the Privy Council on Education, in respect to the procuring of Books from them, upon the same terms that they have arranged to procure them from the Publishers and to furnish them to Schools aided by them,—that is, on an average of forty-three per cent. below the selling prices to the public. In their official list are embraced all the Maps, as well as best School Text Books, that are published in England and Scotland, including those of the Irish National Board.

CHAPTER XVII.

FORMS AND INSTRUCTIONS FOR EXECUTING THE PROVISIONS OF THE SCHOOL ACT OF 1850.*

I. Forms and Instructions for Municipal Councils and Boards of School Trustees in Cities, Towns and Incorporated Villages in Upper Canada.

First. The Forty-seventh and Twenty-fifth Sections of the Act of 1850 require that the Mayors of Cities and Towns and the Town Reeves of Incorporated Villages shall call the first School Meetings in their respective Municipalities for the election of School Trustees. The Sections of the School Act of 1850 are so explicit as to the manner in which such notices should be given, that they are not inserted in this place.

Second. According to the Twenty-sixth Section and the ninth clause of the Twenty-fourth Section, the annual and special Meetings for the election of Trustees, and for any other school purposes are to be called by the Board of School Trustees of each City, Town, or Incorporated Village. The notices in every such case should be signed, in behalf of the Board of Trustees, by the Chairman, or Secretary. . . .

Third. School Trustees in Cities, Towns and Incorporated Villages, can adopt such forms as they may think proper, in laying, from time to time, before their respective Councils Estimates of the sums required by them for Common School purposes: In preparing for publication the annual reports of their proceedings, and to facilitate the performance of this duty, a blank annual Report will be prepared by the Department and transmitted to the Board of Trustees in each City, Town and Incorporated Village. . . .

II. Forms and Instructions for County Municipal Councils, County Boards of Public Instruction, and Local Superintendents of Schools.

First. The Duties of County Councils, or the Councils of Unions of Countries, are so clearly stated in the several clauses of the Twenty-seventh Section of the Act, that it is needless to make any explanatory remarks in reference to them; nor it is necessary to furnish any bonds of security required of County Treasurers, or Sub-Treasurers, of School moneys, or forms of notices required of each County Clerk to each Local Superintendent of his appointment and of the amount of money apportioned to the Township, or Townships, of his charge, and to the Chief Superintendent of the name and post-office address of the County Treasurer and of each Local Superintendent.

The Treasurer of each County, City, or Town should either apply personally, or appoint, by Power of Attorney some person at the Seat of Government, to apply and receive the Legislative School Grant apportioned to such County, City, or Town. . . .

Second. On the fidelity and ability with which County Boards of Public Instruction fulfil the functions assigned to them in the Twenty-ninth Section of the Act, depend the character and efficiency of the Schools as affected by the character and qualifications of the Teachers. Much has been said about incompetent Trustees and their employment of incompetent Teachers; but Trustees cannot employ such Teachers by means of the School Fund, unless such Teachers are licensed to teach. It, therefore, remains with the County Boards, (chiefly with the Local Superintendents,) to say whether a penny of the School Fund shall be misapplied in payment of any intemperate, immoral, or incompetent Teacher. In giving Certificates of Qualification, County Boards should not, therefore, regard individual applicants, but the interests of youth, the destinies of the rising and future generations of the country. The functions of County Boards of Examiners will commence with the year 1851, when a Programme of Examination and Instructions, as authorized by the Twenty-ninth Section of the School Act of 1850, will be provided, according to which the future examinations and classifications of Teachers will be conducted and determined.

Third. No explanation can make the important duties of each Local Superintendent plainer than the several clauses of the Thirty first Section of the School Act; and the form of conducting the correspondence which the duties of his office requires, is left to his own judgment. . . .

III. Miscellaneous General Remarks and Instructions.

First. Appeals to the Chief Superintendent of Education.—All parties concerned in the operation of the Common School Act have the right of appeal to the Chief Superintendent of Education; and he is authorised to decide on such questions as are not otherwise provided for by law. But, for the ends of

* Only the more important Forms and less diffused Instructions are inserted in this Chapter.

justice,—to prevent delay, and to save expense, it will be necessary for any party thus appealing to the Chief Superintendent :

First. To furnish the party against whom they may appeal, with a correct copy of their Com munication to the Chief Superintendent, in order that the opposite party may have an opportunity of transmitting, also, any explanation or answer that such party may deem expedient. Second. To state expressly, in the appeal to the Chief Superintendent, that the opposite party has thus been notified of it. It must not be supposed that the Chief Superintendent will decide, or form an opinion, on any point affecting different parties, without hearing both sides,—whatever delay may at any time be occasioned, in order to secure such a hearing.

Second. The foregoing directions do not, of course, refer to Communications asking for advice on doubtful points, or prudential measures of a local, or general, character.

Third. Communications generally.—The parties concerned are left to their own discretion as to the forms of all communications, relating to Common Schools, for which specific Forms are not furnished.

Fourth. All communications with the Government, relating to Schools conducted under the authority of the Common School Act, 13th and 14th Victoria, Chapter 48, should be made through the Education Office, Toronto.

Fifth. Communications with the Government, not so made, are referred back to the Education Office, to be brought before His Excellency through the proper Department—which occasions unnecessary delay and expense.

CHAPTER XVIII.

GENERAL REGULATIONS FOR THE ORGANIZATION, GOVERNMENT AND DISCIPLINE OF COMMON SCHOOLS IN UPPER CANADA.

ADOPTED ON THE 5TH DAY OF AUGUST, 1850, BY THE COUNCIL OF PUBLIC INSTRUCTION, AS AUTHORIZED BY THE COMMON SCHOOL ACT OF 1850.

SECTION 1. HOURS OF DAILY TEACHING, HOLIDAYS AND VACATIONS IN THE SCHOOLS.

First. The hours of teaching each day shall not exceed six, exclusive of all the time allowed at noon for recreation. Nevertheless, a less number of hours for daily teaching may be determined upon in any school, at the option of the Trustees.

Second. Every alternate Saturday shall be a Holiday in each School.

Third. There shall be three vacations during each year ; the first, eight days at Easter ; the second, the first two weeks in August ; the third, eight days at Christmas.

Fourth. All agreements between Trustees and Teachers shall be subject to the foregoing Regulations ; and no Teacher shall be deprived of any part of his salary on account of observing allowed Holidays and Vacations.

SECTION 2. DUTIES OF COMMON SCHOOL TRUSTEES IN RURAL SCHOOL SECTIONS.

First. The full and explicit manner in which the duties of Trustees are enumerated and stated in the several clauses of the Twelfth Section of the School Act, renders it unnecessary to do more, in this place, than make some expository remarks on the nature of the General Duties of Trustees, and the relations subsisting between them and the Teachers whom they employ. The law invests Trustees with most important functions ; they are a Corporation, and, as such, the ownership and control of the School Site, School House, and all the Property attached thereto, is vested in them ; they are to provide and furnish the School House and Premises, and Apparatus and Text-books for the School ; and they alone have authority to employ the Teacher. Their duties are, therefore, of the greatest importance, and they should be well understood.

Second. While the Trustees employ the Teacher,—agree with him as to the period during which he shall teach, and the amount of his remuneration—the mode of teaching is at the option of the Teacher ; and the Local Superintendent and Visitors alone have a right to advise him on the subject. The Teacher is not a mere machine, and no Trustee, or parent, should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible ; and if he does not give satisfaction, he can be dismissed, according to the terms of his agreement with his employers. To interfere with him, and deprive him of his discretion, as a Teacher, and then to dismiss him for inefficiency, which is the natural and usual result, is to inflict upon him a double wrong, and frequently injures the

pupils themselves, and all parties concerned. It should then be distinctly understood, as essential to the Teacher's character, position and success, that he judge for himself as to the mode of teaching in his School, including, of course, the classification of pupils, as well as the manner of instructing them. It is, nevertheless, the duty of the Trustees to see that the School is conducted according to the Regulations authorized by the School Law.

Third. It is, therefore, important that Trustees should select a competent Teacher. The best Teacher is always the cheapest. He teaches most, and inculcates the best habits of learning and mental development, in a given time ; and time and proper habits are worth more than money, both to pupils and their parents. Trustees who pay a Teacher fairly and punctually, and treat him properly, will seldom want a good Teacher. To employ an incompetent person, because he offers his incompetent services for a small sum, is a waste of money, and a mockery and injury of the youth of the neighbourhood. We entirely concur with the National Board of Education in Ireland, in the following estimate of the qualities of a good Teacher :—

"A Teacher should be a person of Christian sentiment, of calm temper, and discretion ; he should be imbued with the spirit of peace, of obedience to the law, and of loyalty to his Sovereign ; he should not only possess the art of communicating knowledge, but be capable of moulding the mind of youth, and of giving to the power, which education confers, a useful direction. These are the qualities for which Patrons, [or Trustees], of Schools, when making choice of a Teacher, should anxiously look."

Fourth. Trustees will always find it the best economy to have a commodious School-House, kept comfortable, and properly furnished. It is as difficult for pupils to learn, as it is for the Master to teach, in an unfurnished and comfortless School-House.*

Fifth. In the selection of Books to be used in the School, from the general list authorized according to law, the Trustees should see that but one series of Reading Books, one Arithmetic, or one for the beginners and another for the more advanced pupils, one Geography, etcetera, should be used in any one School, in order that the scholars may be classified in the several branches which they are studying. Heterogeneous School Books, (however good each Book may be in itself,) render classification impossible, increase the labour and waste the time of the Teacher, and retard the progress of the pupils. But the Teacher and pupils labour at the greatest disadvantage, when they are compelled to use Books which are as various as the scholars' names.

Section 3—Duties of Common School Teachers.

The Sixteenth Section of the School Act of 1850 prescribes, in explicit and comprehensive terms, the duties of Teachers ; and no Teacher can legally claim his salary, who disregards the requirements of the law. Among other things, the Act requires each Teacher to "maintain proper order and discipline in his school, according to the Forms and Regulations which shall be provided according to law." The law makes it the duty of the Chief Superintendent of Education to provide the Forms ; and the Council of Public Instruction have prescribed the following Regulations for the guidance of Teachers in the conduct and discipline of their Schools.

It shall be the duty of each Teacher of a Common School ;—

First. To receive courteously the Visitors appointed by law, and to afford them every facility for inspecting the Books used, and to examine into the state of the School : to have the Visitors' Book open, that the Visitors may, if they choose, enter remarks in it. The frequency of visits to the School by intelligent persons, animates the pupils, and greatly aids the faithful Teacher.

Second. To keep the Registers accurately and neatly, according to the prescribed forms ; which is the more important under the present School Act, as the Thirty-first Section of it authorizes the distribution of the local school fund according to the average attendance of pupils at each School.

Third. To classify the children according to the Books used ; to study those Books himself ; and to teach according to the improved method recommended in their prefaces.

Fourth. To observe himself, and to impress upon the minds of the pupils, the great rule of regularity and order,—"a time and a place for everything, and everything in its proper time and place."

Fifth. To promote, both by precept and example, cleanliness, neatness, and decency. To effect this, the Teacher should set an example of cleanliness and neatness in his own person, and in the state and general appearance of the School. He should also satisfy himself, by per-

* It was not until 1871 that the School Law of that year made it imperative upon School Trustees to "provide adequate accommodation for all children of School age in their School division, or municipality." The word accommodation was in the Regulations defined to include a School site of an acre in extent, Fence, Playground, Wells, Separate Offices, Maps, etcetera ; the size of the School Room was also defined.

sonal inspection every morning, that the children have had their hands and faces washed, their hair combed, and clothes cleaned and, when necessary, mended. The school apartments, too, should be swept and dusted every evening.

Sixth. To pay the strictest attention to the morals and general conduct of his pupils, and to omit no opportunity of inculcating the principles of Truth and Honesty ; the duties of respect to Superiors, and obedience to all Persons placed in authority over them.

Seventh. To evince a regard for the improvement and general welfare of his pupils, to treat them with kindness combined with firmness ; and to aim at governing them by their affections and reason, rather than by harshness and severity.

Eighth. To cultivate kindly and affectionate feelings among his pupils ; to discountenance quarrelling, cruelty to animals, and every approach to vice.

Section 4.—Duties of Common School Visitors.

First. The Thirty-second Section of the Act of 1850 provides that all Clergymen recognized by law of whatever Religious Denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils, and Aldermen, shall be School Visitors ; and the Thirty-third Section of the Act prescribes their lawful duties.

Second. The parties thus authorized to Act as Visitors, have it in their power to exert an immense influence in elevating the character and promoting the efficiency of the Schools, by identifying themselves with them, by visiting them, encouraging the pupils, aiding Teachers, and impressing upon parents what are their interests and duties in the education of their offspring. In visiting Schools, however, Visitors should, in no instance, speak disparagingly of the instructions, or management, of the Teacher in the presence of the pupils ; but, if they think it necessary to give any advice to the Teacher, they should do it privately. They are also desired to communicate to the Local, or to the Chief Superintendent of Education any thing which they shall think important to the interests of any School visited by them. The law recommends Visitors, "especially to attend the Quarterly Examinations of the Schools." It is hoped that all Visitors will feel it both a duty and a privilege to aid, on such occasions, by their presence and influence. While it is competent to a Visitor to engage in any exercise which shall not be objected to by the authorities of the School, it is expected that no Visitor will introduce, on any such occasion any thing calculated to wound, or give offence, to the feelings of any class of his fellow Christians.

Third. The Local Superintendents are School Visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the Third clause of the Thirty-first Section of the School Act. While each Local Superintendent makes the careful inquiries and examinations required by law, and give privately to the Teacher and Trustees such advice as he may deem expedient, and such counsel and encouragement to the pupils, as circumstances may suggest, he will exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority, both of Trustees and Teachers.

Fourth. Too strong a recommendation cannot be given to the establishment of Circulating Libraries in the various Townships, and School Sections. A Township Association, with an auxiliary in each School Section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole Township. It is submitted to the serious attention of all School Visitors, as well as of Trustees, and other friends of the diffusion of useful knowledge.

Section 5. Constitution and Government of Schools in respect to Religious and Moral Instruction.

As Christianity is the basis of our whole System of Elementary Education, that principle should pervade it throughout. Where it cannot be carried out in mixed Schools, to the satisfaction of both Roman Catholics and Protestants, the law provides for the establishment of Separate Schools, for the children of such parties and the Common School Act, of 1850, Fourteenth Section, securing individual rights, as well as recognizing Christianity, provides,

"That in any Model, or Common, School established under this Act, no child shall be required to read, or study, in, or from, any Religious Book, or to join in any exercise of Devotion, or Religion, which shall be objected to by his, or her, parents, or guardians : Provided always, That, within this limitation, pupils shall be allowed to receive such Religious Instruction as their parents, or guardians, shall desire, according to the General Regulations which shall be provided according to law."

In the Section of the Act, thus quoted, the principle of Religious Instruction in the Schools is recognized, the restriction within which it is to be given is stated, and the exclusive right of each parent and guardian on the subject is secured, without any interposition from Trustees, Superintendents, or the Government itself.

The Common School being a day, and not a boarding School, rules arising from domestic relations and duties are not required ; and, as the pupils are under the care of their parents and guardians on Sundays, no Regulations are called for, in respect to their attendance at Public Worship.

In regard to the nature and extent of the daily Religious Exercises of the School, and the special Religious Instruction given to pupils, the Council of Public Instruction for Upper Canada makes the following Regulations and Recommendations :—

1. The public Religious Exercises of each School shall be a matter of mutual voluntary arrangement between the Trustees and Teacher ; and it shall be a matter of mutual voluntary arrangement between the Teacher and the parent, or guardian, of each pupil, as to whether he shall hear such pupil recite from the Scriptures, or Catechism, or other summary of Religious Doctrine and duty of the Persuasion of such parent, or guardian. Such recitations, however, are not to interfere with the regular exercises of the School.

2. But the principles of Religion and morality should be inculcated upon all the pupils of the School. What the Commissioners of National Education in Ireland state as existing in Schools under their charge, should characterize the instruction given in each School in Upper Canada. The Commissioners state, that "in the National Schools the importance of Religion is constantly impressed upon the minds of children, through the works calculated to promote good principles and fill the heart with love for Religion, but which are so compiled as not to clash with the doctrines of any particular class of Christians." In each School the Teacher should exert his best endeavours, both by example and precept, to impress upon the minds of all children and youth committed to his care and instruction, the principles of piety, justice, and a sacred regard to truth, love to their country, humanity and universal benevolence, sobriety, industry, frugality, chastity, moderation and temperance, and those other virtues which are the ornament of society, and on which a free constitution of government is founded ; and it is the duty of each Teacher to endeavour to lead his pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above mentioned virtues, in order to preserve and perfect the blessings of law and liberty, as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

By order of the Council of Public Instruction for Upper Canada.

Toronto, 12th of August, 1850. J. George Hodgins, Recording Clerk.

CHAPTER XIX.

EXPLANATORY CIRCULARS IN REGARD TO THE LOCAL ADMINISTRATION OF THE COMMON SCHOOL ACT OF 1850.

So many and so varied were the changes in the Common School Acts passed during the years 1841-1847, that the Chief Superintendent of Education deemed it most desirable, not only to give the Municipal Councils and other local administrators of the new School Act of 1850 full information in regard to its provisions, but also to furnish them with several practical suggestions as to the best means of carrying that School Act into effect. This he did by means of special Circulars addressed to each of the parties concerned. It was the more necessary thus to communicate directly with each of these parties concerned, from the fact that, with a few exceptions, the Members of the several Municipalities,—the local School Superintendents, the School Trustees and School Teachers, had but little experience in dealing with questions which would naturally arise in giving effect to the provisions of a new School Law, which imposed upon them so many important responsibilities and duties.*

*I have omitted the Circulars relating to the ordinary Legislative Grant and other matters of a purely local, or temporary character.

I. CIRCULAR TO THE WARDENS OF COUNTIES IN UPPER CANADA, ON THE DUTIES OF COUNTY MUNICIPAL COUNCILS UNDER THE NEW COMMON SCHOOL ACT OF 1850.

I have the honour to transmit to you herewith, a copy of the new Common School Act for Upper Canada, which, having passed the Legislative Council and Assembly, received the Royal sanction, and came into force on the 24th instant; and I desire to direct the attention of the Council over which you have been chosen to preside, to the duties which will devolve upon it under the provisions of this Act.

Though the Act is new, the provisions of it are mere renewals of the provisions of the general School Act of 1846 and the Cities and Towns School Act, of 1847,—combined into one Act, with a new and more simple arrangement, and such additional provisions as experience has suggested, and the progress of the Schools and the new system of Municipal Councils seem to require. The duties of the County Councils, under the new School Act, are substantially the same as were those of the District Councils under the School Act of 1846, with this exception. that the County Council is relieved from the task of forming and altering School Sections, and of considering applications and levying assessments for the erection and repairs of School Houses.

Under our present system of Municipal Councils, a two-fold provision has been made to enable the people, through their local Representatives, to meet together and manage their own local affairs: The one is by the meeting of the Representatives of the several Townships collectively in County Councils; the other is by the meeting of the several Representatives of a Township in such Township separately. It is the several Townships that act in the one case as well as in the other; but, in the one case, they act collectively, and in the other separately.. Of course, some diversity of opinion may naturally exist as to the precise parts of a School System which can be best managed by the Townships in their collective, or separate, representative capacity. After large consultation and much consideration, it has been decided that the Townships separately can best arrange the boundaries of School-Sections, and do what may be deemed expedient in providing School Sites, and for erecting and repairing School-Houses and imposing other School-Section assessments; but that the Townships can best consult collectively in regard to the selection of proper Local School Superintendents, and can best arrange for the more uniform, certain and punctual providing and payment of the local assessment moiety of the School Fund.

It will be seen by the First Section of the new School Act of 1850, that all lawful proceedings and obligations of every description, which have taken place under former School Acts, are confirmed until fulfilled, or modified, according to the provisions of this Act. The duties of the County Councils are specified in the several clauses of the Twenty-seventh Section of the Act.

1. The first and immediate duty of the County Council will be to cause to be levied upon the several Townships represented in the Council a sum, or sums, at least equal, (clear of all charges of collection,) to the sum, or sums, of money apportioned to them for the current year out of the Legislative School Grant. That apportionment I have notified to the Clerk of each County Council, as required by the Thirty fifth Section of the Act. If any of the Township Councils in your County have anticipated the apportionment of the Legislative grant, and have levied a sum, or sums, for the payment of the salaries of Teachers equal to the amount of the Legislative School Grant apportioned to such Municipalities therein, then it will be unnecessary, in such cases, for the County Council to impose any further assessment. But, in every case, the County Council must see that the local assessment part of the School Fund is available to Teachers before the end of the second half year,—the Legislative grant part of it being payable at the end of the first half year. In the neighbouring State of New York, this order of proceeding is reversed. The County assessment part of the School Fund must be imposed and collected and attested to the State Superintendent, before the State part of the Fund apportioned to any County can be paid. In my Circular addressed to Wardens of Districts, and dated January 14th, 1848,* I called the attention of Municipal Councils to the great injustice to Teachers, and injury to the efficiency of the School System, arising from the non-payment of the local assessment part of the School Fund at the end of the year. Several Councils provided forthwith for the future punctual payment of the amount of the local school assessment prescribed by law, on, or before, the fourteenth day of December of each year. What several Councils so promptly and advantageously did in the cases referred to, the new School Act requires to be done in every case.

2. The securing, and mode of paying, the local School Fund is another subject which will engage the attention of the County Council. The new School Act contemplates but one financial Officer and his subordinates in each County. If the payment of the School moneys in each District by one financial officer, (in the person of the District Superintendent of Schools,) has, during the last few years, been attended with no inconvenience equal to the advantages of it, of course, no greater inconvenience will be experienced by confining the payment of such moneys

* See pages 214-218 of the Seventh Volume of this Documentary History.

to the County Treasurer. But, if the County Council deem it expedient, it can appoint any number of sub-Treasurers, even to the Treasurer of each Township as a sub Treasurer, duly providing for uniformity of responsibility and obligation in the methad and punctuality of payments of school-moneys. Under this system, Local School Superintendents will be under no temptation, at any time, from considerations of personal convenience, to withhold, or delay, the payment of school moneys; they will be relieved from keeping financial accounts, and from giving sureties, as heretofore. The mode of accounting for the expenditure of school-moneys will be extremely simple and complete No receipts need be given, or taken. The order of the Trustees, in behalf of a legally qualified Teacher, will be the Local Superintendent's authority in each instance, for his cheque upon the County Treasurer, or Sub-Treasurer; and the Local Superintendent's cheque will, in each instance, be such Treasurer, or Sub-Treasurer's, receipt for the school-money paid out by him. The duty of the County Auditor will be plain and easy; and the school moneys will be best secured against every kind of misappropriation.

3. The next most important duty which the new School Act devolves upon the County Council, is the annual appointment of Local Superintendents of Schools. I believe that it is generally agreed, that it is not expedient, or desirable, to have both County and Township Superintendents, but as to which class of these local School Officers should be provided, there is considerable diversity of opinion,—some preferring a County Superintendent, others desiring Township Superintendents. The new School Act leaves the decision of this question to the choice of the Local Representatives of the people assembled in County Councils,—each Council having authority to appoint a School Superintendent for each Township, or for two, three, or four Townships, or for a County, provided it does not contain more than one hundred Schools. In some municipalities, where the duties of the office have been very imperfectly discharged, doubts are entertained by many persons as to the utility of the office at all; but this is not the case where the office is filled with ability, diligence and skill; and actively educating School Countries are unanimous in their judgment and practice as to the vast importance of an efficient local inspection and supervision of Schools.*

The new School Act of 1850, by fixing the minimum of the allowance of a Local Superintendent, has relieved the Municipal Council of what has often proved an embarrassing and thankless duty. During the last Session of the New York State Legislature, a Bill was introduced, on the recommendation of the State Superintendent of Schools and the Report of a Select Committee, providing for the abolition of the office of Town Superintendents and the appointment of a School Superintendent for each Legislative Assembly District,—analogous to an electoral Riding with us. The salary of each Superintendent was fixed at $500 per annum. There are 128 Assembly Districts and 11,000 Schools in the State,—giving an average of about 86 schools to each School Superintendent, who was required to visit each School twice a year, with a remuneration of nearly six dollars per School. With us, under the new School Act, the Local Superintendent is required to visit each School under his charge at least once in each quarter, and to deliver a public educational Lecture in each Section once a year, besides various other duties prescribed by law; and the minimum of his remuneration is fixed at One pound per School,—a less sum than is given to Local Superintendents by most of the Township Councils from which I have heard during the present year. Persons who offer their services at a very low sum, in order to get an office, generally do little that is of any value, after they get the office, and then justify their inefficiency by the plea that they do more than they are paid for. It is of very little importance to the people at large whether a Local Superintendent of Schools receives a few shillings more, or less, per School; but it is of the greatest importance to them and their children, whether an able supervision be provided for their Schools. Under the provisions of the School Act of 1850, new and feeble Townships can be provided with an efficient School Superintendence, and aided, if not altogether relieved, in regard to its remuneration.†

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* The following remarks from a late New York School Report, deserves the deep attention of all Municipal Councils, School Trustees and other friends of popular education:

"The success of Schools is based upon two things which are closely connected and mutually dependent on each other; videlicet, the pre-eminent moral and intellectual qualifications of Teachers, and the active and vigilant supervision of Inspectors to render the methods of teaching more and more perfect. If either of these be wanting, the whole fabric receives a shock from which it is most difficult to recover. The great and important object is to have Good Schools. To have none is a great disadvantage; but to have bad Schools, in which error is taught and learned, is a great misfortune. A superintending power is the main spring of all Schools. A moment's reflection will satisfy anyone that the whole must hinge upon it. If the education of the people be seriously taken up, we may rest assured that the whole vigor and life of that education will depend upon the system by which it is to be regulated. If it be weak and insecure, the Schools will make no advance; they may, by some transient circumstances, have a momentary success, but there will be no security that they do not speedily fall back into a deplorable state of languor. If, however, these Schools are placed under a vigorous and active government, the spirit of that government will be communicated to every part of that machine, and will impart to it life and motion."

†This provision in regard to the duties and minimum of Local Superintendents of Schools, I first submitted to the consideration of the Government on the 23rd of February, 1849. It formed the 23rd Section of a then proposed "Draft of Bill making further provision for the improvement of Common Schools in Upper Canada," designed to remedy the defects of the then existing School law, and to adapt it to the provisions of the Honourable Attorney-General Baldwin's Municipal Council Bill, then before The Legislature. The following are the reasons I assigned for this provision:

The *Twenty-third* Section confers upon Township Superintendents, within the limits of their respective jurisdictions, the powers of District Superintendents, with two vitally important provisos:—The one, fixing the minimum of the allowance to Township Superintendents, [at One pound per school,] the other prescribing additional duties of the highest im-

The new School Act, imposing upon a Local Superintendent not only miscellaneous duties, which require judgment and knowledge of men and things, but a visitorial examination of each School once a quarter, (which, if conducted as the law expressly enjoins, cannot be performed in more than two Schools a day,) and a Lecture on education in each School Section once a year, and the examination of Teachers for the Schools, the County Council should spare no pains to search out and appoint men as Local Superintendents of Schools, who will command public attention as Lecturers, who understand the true principles of School Organization, and the improved modes of School Teaching, who will do justice to the great interests entrusted to them by their examinations of Teachers, their visitations of Schools, and their patriotic exertions to diffuse sound education and knowledge as widely as possible. I doubt not but that each County Council will respond to the spirit of the New York State Superintendent of Schools, when he says: —

"It is fervently hoped that in every election hereafter to be made of a Local Superintendent of Schools, the most competent individual, without reference to sect, or party, will be selected. On such a subject, where the good of their children is at stake, men should dismiss their narrow prejudices, and tear in sunder the shackles of party. They should consult only 'the greatest good to the greatest number' of the rising generation. They should direct their preferences to those only who are the ardent friends of youthful progress. To those only, the smoke of whose incense, offered in the holy cause, daily ascends to heaven; whose lips have 'been touched with a burning coal from the altar'."

And as the selection to the Office of Local Superintendent of Schools should be made upon the sole ground of personal qualification and character, and irrespective of party considerations, so should the duties of the office be performed in the same spirit.* During the recent discussions in the Legislative Assembly on the School Bill, it was averred on all sides that the office of the Chief Superintendent of Education was and should be non-political, that whatever might have been the political opinions of the Incumbent, or of his mode of advocating them, previously to his appointment to office, that, as in the case of a judge, he should take no part in party political questions during his continuance in office. On this principle I have sacredly acted since my appointment to office, as was admitted in gratifying terms by all parties in the discussion referred to†; and I think the same principle should be insisted upon by each County Council, in respect to each local Superintendent of Schools, and should be faithfully acted upon by every person filling that important office, thus making it equally confided in by all classes of the community. I am sure every Municipal Council in Upper Canada will agree with me, that the entire superintendence of the School System, in all its parts and applications, should be perfectly free from the spirit, or tinge, of political partizanship,—that its influence, like the genial light and warmth of the sun, should be employed for the equal benefit of all, without regard to party, sect, or colour.

It will, of course, be a matter of discretionary consideration with each County Council, as to whether, or not, it will leave any, or all, the Township Superintendents in office during the remainder of the current year, before re-appointing, or changing, them. If not re-appointed, or changed, the present Local Superintendents will, of course, (as provided by the first Section of the Act of 1850) be paid for the current year by the Council appointing them, and according to its agreement with them. But they must henceforth perform their duties according to the provisions of the new School Act, —the basis and authority in future of all Common School proceedings of every description. In all cases, where the superintendence of Schools in any Township has not, for the current year, been provided, it will be necessary for the County

portance to the progress of Common Schools, [namely, that the Superintendent should visit each School once a quarter, and deliver a Lecture on Education in each Section, once a year.] Without these provisos, I think the system of Township Superintendents will prove a failure, as it has done in the State of New York; with these provisos, I think it will add very greatly to the efficiency of our Common School System. In the Municipal Corporations Bill, of 1849, I perceive the minimum of allowance to certain officers is prescribed by law; and I think such a provision absolutely essential to the efficiency of the office of Township Superintendent. The inefficiency of the late office of Township Superintendent was, I am persuaded, chiefly owing to the absence of the provisos which I here propose. In some instances, persons offered to perform the duties of Township Superintendent gratuitously, and such offers were invariably accepted; but that gratuitous zeal soon subsided; and as gratuitous service is 'irresponsible service,' those who performed it considered themselves entitled to gratitude for the little that they did, rather than liable to blame for the much that they did not. Besides, when there were rival candidates for the office, the lowest bidder almost always received the largest suffrage; but when once in office, he would proportion his work to his compensation. Such was the tendency and practical effects of the system; although there were many honourable exceptions. And a still worse effect of that system was, the appointment, under such circumstances, of many incompetent persons. The first proviso which I propose, will remove all competition for the office upon pecuniary grounds; and while the compensation will be such as to secure the services of competent persons, the duties enjoined by the second proviso can hardly be discharged, or even attempted, by incompetent persons. The second proviso will prevent the Councils from appointing persons who are not competent to prepare and deliver Lectures; and persons who are competent to do that will be most likely to be qualified to inspect and superintend the Schools,—their qualifications for which will be necessarily increased by their obligations to prepare public lectures on such subjects. The second proviso will produce, per annum 12,000 school visits of Superintendents, instead of 3,000, as at present, besides, 3,000 public school Lectures,—one in each School Section in Upper Canada. The vast amount of good which will result from such an arrangement, can scarcely be estimated." "*Correspondence on the subject of the School Law for Upper Canada," lately laid before, and printed by order of, the Legislative Assembly, 1850.* See page 216 of the Eighth Volume of this Documentary History. See also pages 224-250 of the Same Volume.

* For the efforts made in 1848 to introduce an improved system of Comman School Inspection, See pages 52-56 of the Eighth Volume of this Documentary History.

† See particularly the very decided and satisfactory remarks on this subject by the Honourable Francis Hincks, (who had charge of the School Bill of 1850 in the House of Assembly,) on pages 14, 15 of this Volume.

Council to supply that essential instrumentality for the payment of the School moneys and the supervision of the Schools.

4. In respect to the exercise of other powers with which the new Act invests the County Council, I do not think it necessary to make more than one, or two, remarks : I trust that by the commencement of next year, provisions will be made for the establishment of School Libraries, when the County Council will be able to judge as to the mode in which it can best employ its legal powers for the introduction and diffusion of that most potent element of high civilization.* The County Council is, of course, the best judge whether, and to what extent, it may be desirable and expedient to make provision "to give special or additional aid to new, or needy, School Sections, on the recommendation of one, or more, local Superintendents." It will be important that the County Council should see that all balances of School moneys, yet unexpended, and in the hands of any Local School Superintendent, and all Township Assessments for raising part of the current year's School Fund, be paid into the hands of the County Treasurer, or sub-Treasurer, and expended and accounted for in the manner prescribed by the new Act.

5. The spirit in which the provisions of the new School Act have been, generally speaking, discussed and adopted in the Legislature, I regard as an omen for the good of our Country, and worthy of imitation in all Municipal and local School proceedings throughout Upper Canada. Party differences were not permitted to mar this great measure for the education of the people ; and, although, there were individual differences of opinion among men of different parties, as to some details of the Bill, yet men of all parties united in the support of its general principles, and in an earnest desire and effort to render it as perfect as possible in all its provisions I hope that no party spirit will be permitted to impair the efficiency of its administration in any Municipal Council, Public Meeting, or Corporation In the great work of providing for the education of the young, let partizanship and sectarianism be forgotten ; and all acting as Christians and patriots, let us each endeavor to leave our Country better than we found it, and stamp upon the whole rising and coming generations of Canada, the principles and spirit of an active, a practical, a generous and a Christian intelligence.

TORONTO, 31st of July, 1850. EGERTON RYERSON.

III. CIRCULAR TO THE MAYORS OF CITIES AND TOWNS IN UPPER CANADA, ON THE DUTIES OF CITY AND TOWN COUNCILS, UNDER THE COMMON SCHOOL ACT OF 1850.

1. In transmitting to you a copy of the new Common School Act of 1850, I wish to call the attention of the Council, over which you have been elected to preside, to its principal provisions relative to Cities and Towns. . . .

2. By the first Section of the Act, you will perceive that all the Elections, Appointments, Contracts, Assessments, and so forth, which have taken place in your Municipality are confirmed, until fulfilled, or superseded, according to the provisions of the same. By the Forty-seventh Section of the Act, you will observe that the election of a new Board of School Trustees is provided for to take place in your Municipality the first Tuesday in September next, and that you are authorized and required to give due notice for the holding of such election.

3. From the Twenty-first and three following Sections of the Act, it will be seen, that there is to be but one Board of School Trustees for each City, or Town, as there has been since 1847 ; but that such Board of Trustees must be elected by the taxable inhabitants, instead of being appointed, as heretofore, by the Municipal Corporation.

4. It is at variance with a fundamental principle of Representative Government, to invest Members of a Board of Trustees, who are not elected Representatives of any constituency, with discretionary power to raise by taxation, or cause money to be so raised for school purposes It has been found, however, that, without such power, their office is quite inadequate to accomplish the objects for which it has been created. There is also reason to believe that, as a general rule, persons who are formally elected by the suffrages of their fellow-citizens at large, for the special object of representing and promoting their educational interests, will, with this responsibility upon them, be more likely to attend to those matters with greater interest and zeal than the nominees of any Corporation,—although much, (and in some instances great,) good has been done during the last three years by Boards of Trustees appointed by the Corporations of the several Cities and Towns in Upper Canada

5. Under the provisions of the new School Act, the School Trustees of each City and Town are to be elected by a larger suffrage than are the Members of the Municipal Council ; and, being the special Representatives of their fellow-citizens for School purposes, they properly should have the management of all the Common School affairs for the City or Town, and so determine the sum, or sums, of money to be raised for Common School purposes, and the

* See special remarks on the subject of School Libraries on page 173, and also the Circular to Publisher on page 192, of this Volume.

manner in which such sum, or sums, of money shall be provided. But, as the whole apparatus, or agency for levying and collecting property assessments, has already been created, and is in the hands of the Municipal Council, it would be superfluous, and bad economy, to create a new municipal authority, and a new agency of officers, and so forth, for levying and collecting assessments for school purposes, as that power is already in the hands of the Officers of the Municipality. To do this, therefore, devolves upon the Municipal Council, whose duty in this respect is strictly ministerial.

6. There is the system which has been established with so much success in the principal Cities and Towns of the neighbouring States, from which we have adopted so much of the machinery of our general Common School System. In the City of New York, for example, the Board of Education, (called with us the Board of School Trustees,) the Members of which are elected in the several Wards of the City, as is provided in the new School Act with us, determines the sum, or sums, of money necessary for any, or every, Common School purpose, and the Municipal Authorities are required, by law, to provide the sum, or sums, thus determined, from time to time, by the School Representatives of the people. And, in behalf of no object is there such unanimous and cordial willingness, among all classes and parties, to contribute liberally, as for the education of the young.

7. In my Circular, dated the 15th January, 1848, addressed to Heads of City and Town Corporations,* I explained at large the System of Schools required to supply the educational wants of our Cities and Towns, and for which provision is made by establshing one elective Board of Trustees, with proper powers, for all the Schools, in each City, or Town. The exposition of the School law, which I then gave, need not be repeated in this place ; but, after the election of new Boards of School Trustees for Cities and Towns, I shall deem it my duty to address them on the nature of their duties and responsibilities under the provisions of the present new School Act of 1850 ;—an Act which I trust, is destined to confer great and lasting benefits upon the Cities, Towns, and Villages, as well as Counties and Townships, of Upper Canada.

TORONTO, 12th August, 1850. EGERTON RYERSON.

IV. CIRCULAR TO THE TAXABLE INHABITANTS OF CITIES AND TOWNS, ON THE SUBJECT OF THE ELECTION OF BOARDS OF SCHOOL TRUSTEES.

1. I desire to adopt this method of calling your attention to the new and important duty which devolves upon you of electing Common School Trustees on the first Tuesday of September next.

2. According to the provisions of the new Common School Act of 1850, there is to be but one Board of Trustees for the management of all the Common Schools in each City, or Town, in Upper Canada. That Board is to be composed of two persons from each Ward of such City, or Town; which persons are to be elected by all the Taxable Inhabitants of such Ward, at the place of the last Municipal election, and in the same manner as the Members of the City, or Town, Council are elected. One of the Trustees elected in each Ward retires from office on the second Wednesday of January in each year, and his place is to be filled by popular election.

3. The Trustees thus elected are the School Representatives of the Inhabitants of each City, or Town. They have the sole power of employing Teachers and of determining the sums which shall be raised and expended for all Common School purposes, and how, and when, such sums shall be raised. They are the Common School Corporation of each City, or Town.

4. The character and condition of the Common Schools in each City, or Town, will be determined by the character of the School Corporation elected. According to the Forty-seventh Section of the new School Act, of 1850, the first election is to take place on the first Tuesday of next September, pursuant to notice to be given by the Mayor of each City, or Town. On the School Corporations, thus elected, will devolve all the obligations which have been incurred by the present Boards of School Trustees for the Cities, or Towns.

5. The election of proper persons as School Trustees in the several Wards of each City, or Town, is, therefore, a matter of the greatest importance. They should, doubtless, be persons who understand the Common School wants of their fellow-citizens, or townsmen, and who will take a deep and lively interest in supplying such wants. I would, therefore, respectfully submit for your consideration, whether it would not be well to have each Board composed, as near as may be, of an equal number of Clergymen and Laymen,—one Clergyman and one Layman to be elected for each Ward. Thus nearly, if not quite all, the Religious Persuasions of each City, or Town, would be represented through the Ministers ; and the Laymen will be best able to attend to the financial affairs of the Schools, and the Clergy will have the most leisure and be in the best position to attend to the literary character and discipline of the Schools, and to use the most efficacious means of securing the attendance of all eligible children in each City, or Town. The

*Inserted on pages 218-222 of the Seventh Volume of this Documentary History.

union of the representatives of several Religious Persuasions in each Board will effectually prevent anything like mere sectarianism in the Schools, while these Schools will be invested with a proper moral and Christian character ; and, in all Education Boards, of which I have any knowledge, (and they are common in the neighbouring States,) which consist partly of Laymen and partly of Clergy of different Religious Persuasions, the proceedings are characterized by harmony, propriety, and efficiency.

6. I, therefore, respectfully submit for your consideration the importance of trying this plan of constituting your Boards of Common School Trustees. If, on trial, it should not realize your expectations, you can easily adopt another,—as one half of each Board of Trustees retire at the beginning of each Year But, if, on the other hand, it shall be found to work well, (as I am persuaded it will,) the greatest benefit must result from thus securing the intelligence and leisure and influence and zeal of the Clergy, in connection with the Laity of the different Religious Persuasions, in educating the children of the masses of our fellow-citizens and townsmen ; and their friendly and efficient co-operation in a work of this kind, will, I am confident, issue in increasing friendly and fraternal feelings in other respects and in other matters. It is under the influence of these convictions, that I have taken the liberty to make the suggestion, in calling your attention to the approaching election of a Board of Trustees, as required by the new School Act of this year.

Toronto, August 15th, 1850. Egerton Ryerson.

V. Circular to the Boards of School Trustees in the several Cities and Towns, on their duties under the Common School Act of 1850.

1. Your fellow-citizens and townsmen have elected you to a trust, the most important and responsible ; and the new School Act of this year invests you with new and ample powers to fulfil that trust, so as to extend the facilities of a sound education to each child in every City and Town in Upper Canada. On you will rest the responsibility, if any of the Schools under your charge is inefficient, whether from the employment of an improper Teacher, or from the want of a proper School House, or proper Furniture, or Text Books, or if a single child be unprovided with the means of education ; and, to you will appertain the satisfaction and honour and gratitude, which shall never die, if each School, over which you are placed, be a living fountain of knowledge and virtue, and if each child within your jurisdiction has unobstructed access to that fountain. Water and bread and clothing are not more needful for the health and growth and comfort of the body, than are the food and pulsations of knowledge to the vital energy and divine distinction of mind. The uneducated child grows up into a mere animal of bones and sinews, with tastes and sympathies and often with habits as degraded and pernicious as they might be exalted and useful.

2. The destiny of each child in each City and Town,—especially of the more laborious classes—is, in a great measure, in your hands. You are its chosen and elected educational guardians ; and, as such, you have the power of training and sending him forth an intelligent and useful citizen, or of neglecting and turning him out both a victim and instrument of the worst propensities of our nature.

3. Our Cities and Towns are the centres and hearts of large sections of Country, and radiate influences, for good, or for evil, which are felt over the whole areas of the surrounding circle. This is especially the case in Upper Canada, when domestic relations and every variety of social and business intercourse between Town and Country are so numerous and intimate.

4. In your new and responsible position, the first subject which will naturally engage your attention is the nature of the work which lies before you. It is to provide primary instruction for children from five to eight years of age ; intermediate instruction for those from eight to eleven years of age ;—and higher instruction for youths from eleven to fourteen. The nature and classification of subjects contained in this course of instruction, need not be here enumerated, or stated ; but they will at once suggest the proper gradation of Schools and the several departments in the same School, when established upon a large scale, and including several teachers.

5. The providing of proper School Houses, furnished with Maps, Apparatus, and the needful Text-books for the pupils, the employment of efficient Teachers, the appointment of an able and active Superintendent of the Schools, and the selection of an intelligent and faithful local Committee for each School, or Ward, together with the estimate and provision for the support of the Schools, will next engage your earnest attention, and constitute the principal subject of your future solicitude and labours. A division of labour will be one of the most convenient, if not essential, means of accomplishing these purposes with any degree of facility, or success ; such as the appointment of a Committee on School Houses ; a Committee on the Qualifications, Employment and Salaries of Teachers ; a Committee on Text-books and Apparatus ; a Committee on Examinations and Discipline ; a Committee of Ways and Means, and another on Finance and Accounts.

6. In smaller Towns and Incorporated Villages, so minute a division of labour among the Members of the Board of Trustees will not be necessary. Most of the Committees should report once a month at the monthly Meeting of the Board of Trustees; the Committee on School Examinations should attend the Quarterly Examinations of the Schools, and should report the result of the examinations in each School. The Local Superintendent of Schools, (who should be a practical Teacher,—a man of virtue, a lover of youth, and an ardent friend and promoter of knowledge,) should visit each of the Schools and report on their state and progress at least once a month; and his Report should specially include, among other things, a statement of the manner in which the School Registers are kept, and the regularity of the attendance of pupils, as well as the character of the Organization, Classification, Teaching and Discipline in each School. He should have Quaterly meetings of the Teachers, to interchange views on various points of instruction and discipline, in order to promote harmony of action, and cause the whole system of schools in each City, or Town, to tend towards a high and uniform standard of excellence.

7. To enter into a minute detail of all the regulations and proceedings which must be adopted, in order to establish and maintain a proper system of schools in each City, or Town, would entirely exceed the limits of this Circular. The importance, objects and peculiar features of this System of Schools, I explained, at some length, in a Circular addressed to the Heads of City and Town Corporations in January, 1848, on the introduction of the City and Town School Act of 1847, 10th and 11th Victoria, Chapter 19.* The economy and great practical advantages of this System of Schools in Cities and Towns where it exists in the neighbouring States, are shown in the First volume of the *Journal of Education* for Upper Canada pages 121-123, and 150-153.

8. Under these circumstances, it would be superfluous for me to dwell at length upon the subject anew; but to aid you as far as in my power in the great work on which you are now entering, I have purchased, and I hope soon to be able to place in the hands of the Board of School Trustees for each City and Town in Upper Canada, Mr. Henry Barnard's most useful work on "School Architecture,—an octavo volume of nearly four hundred pages, containing upwards of three hundred illustrations, and embracing all the important improvements which have been made in the last few years in the construction of School Houses for Schools of every grade, from the Infant School to a Normal School, with suitable plans for the arrangement and construction of Seats, Desks, and for Warming and Ventilation, for Appendages, Grounds," and so forth. I will also endeavour to procure for each City, Town and Village Board of School Trustees, (whom I am now addressing), a copy of the "Rules and Regulations for Public Schools" which have been adopted by the Boards of Education, or Trustees, in the Cities of Boston and Providence, (Rhode Island,) and, under the operation of which, the most complete and efficient System of Schools has been matured, which, I think, exists in any City, or Town, either in Europe, or America.

9. Our School Law confers upon each Board of Trustees all the powers of establishing and maintaining various kinds of Schools, (Classical, as well as Common,—see Twelfth Section of the School Act, 4th clause,) which are conferred upon the School Corporations of the Cities referred to; and, my earnest desire and prayer is, that you may be disposed and enabled to exercise these powers with like wisdom, patriotism and success.†

10 It is in the character and facilities of Public School Education, in their Cities and Towns, that our American neighbours far excel us. I think our Rural Schools, as a whole, are advancing more rapidly than theirs; but, in each of their Cities and Towns, they have in efficient operation, an uniform and magnificent System of Schools, the advancement of which is the highest ambition of their best citizens, and which offers free education to the poor, as well as the rich,—to all classes upon equal terms, according to property. In all our Cities and Towns, we now have substantially their School Law; and I fervently hope we shall soon have as good, and even better Schools. It is with the elective Board of School Trustees in each City and Town in Upper Canada to say whether this shall be so or not.

TORONTO, 7th of October, 1850. EGERTON RYERSON.

APPENDIX TO THE FOREGOING CIRCULAR—THE KINGSTON SCHOOL HOUSE.

In reply to a Letter to the Chief Superintendent of Education, from the Honourable John Macaulay, School Trustee of Kingston, in which Mr. Macaulay stated that the City Board of School Trustees intended to erect a very superior kind of School House, for a Classical School, in that City, and requesting the

* Printed on pages 218-222 of the Seventh Volume of this Documentary History.

† An example of the public-spirited manner in which the Board of School Trustees in the City of Kingston availed itself of these powers is illustrated in the decision of that Board to erect a very superior kind of School in Kingfton. See the above Letter addressed to the Honourable John Macaulay on this subject, in reply to one from him, by the Chief Superintendent, and appended to this Circular.

Chief Superintendent to furnish the Board with approved plans of School Houses, the Chief Superintendent replied as follows:—

I rejoice that you intend to build a School House worthy of the Town in which it is to be situated, and of the object for which it is intended.

It would not be worth while for me to offer remarks in regard to the Site and erection; but I herewith, transmit you some numbers of the *Journal of Education*, containing plans of Grammar School Houses, erected in the City of Providence, Rhode Island; and I would recommend you, to procure a Book, containing a great variety of plans of School Houses and exhausting the whole subject of School Architecture, entitled "Barnard's School Architecture," published by A. S. Barnes and Company, New York.

As to connecting a Boarding hall and Master's Residence with your School House, I would advise you to have nothing to do with one or the other, but reserve all your resources for your School House and School. If you erect a Teacher's Residence, the expense of keeping it in repair, besides the building of it in the first place, will be considerable; and it will, after all, be of little advantage to you in procuring a qualified and able Master.

In regard to a Boarding Hall in connexion with any Acadamy, Grammar School, or College, experience has led to its abandonment, almost universally in the United States, on both economical and moral grounds. The Boarding Hall of Upper Canada College, which has not been used as such for several months, has been nearly the financial ruin of that Institution, and a great injury to the morals of numbers of pupils. The boarding Hall of Victoria College has been a great burden upon its financial interests, although much care has generally been bestowed upon the morals of the pupils and Students.

In establishing the Normal School, we resolved to have no public Boarding Hall, but to sanction private Boarding Houses, on application and proper recommendations, and agreement to maintain certain Regulations required by the Board of Education. If it be ascertained that such Regulations are not observed in any House sanctioned by the Board, the Students are required to leave it, and such sanction is withdrawn. Such a system relieves us of all the expense and responsibility connected with a Boarding Hall and is I am persuaded, much more beneficial to the morals of the Students, than to have them all collected together in one House.

The Dormitories of which you speak, are not conducive to virtue—especially of young boys; and the erection and furnishing, etcetera, of separate Bed-rooms for a public Institution are very expensive. Public Boarding Schools for boys, or girls, are, I believe, generally injurious, weakening the domestic feelings, exciting a disrelish for the quiet and retirement of the domestic circle, and a fondness for the extravagance and bustle of public places. The social feelings and tastes, which children imbibe in the course of their education, are certainly as important as the intellectual knowledge they acquire; and the nearer their mode of living, habits and associations at School approach those at home, or a private family, the better.

If the Masters receive boarders, I would let them do so, like other persons, as private individuals, and on their own account, and by no means on behalf of the Institution with which they are connected. Much stronger, moral influence is exercised towards them personally, when they are dispersed among private families, than when they are congregated together, in one Boarding-hall. We find it most clearly so, in respect to the Students of the Normal School,—in the whole of their daily deportment, as well as in their attendance, at their respective places of worship every Sabbath, and their attendance upon Religious Instruction by their respective Ministers, every Friday afternoon. The avoidance of expense and difficulty and trouble by the same arrangement, is also immense. I wish you every success, in your noble course of proceeding.

Toronto, 16th January, 1850. Egerton Ryerson.

VI. Circular to the Town Reeves, on the Duties of Township Councils under the new Common School Act of 1850 for Upper Canada.

1. In the Eighteenth, and two following sections of the new Common School Act for Upper Canada, [page 37-39], special powers and duties are conferred upon Township Councils, in addition to the general powers given them in the Third clause of the Thirty-first Section of the Municipal Corporations' Act, (12th Victoria, Chapter 81.) On the duties which are thus devolved upon Township Councils, and on this part of our School system, I think it proper to offer a few practical remarks:

2. As in common life, there are some things which each individual can do best alone, and other things which can be best accomplished by combination with others; so, in our Municipal and Common School Systems, there are some interests which can be best promoted by the Townships separately, and others which can be best consulted by the union of several Town-

ships, assembled, through their representatives, in the County Council. The line of demarkation which the Legislature has deemed it most natural and advantageous to draw, in prescribing the respective duties of Township and County Councils, (that is, of Townships separately and collectively,) in the administration of the School System, I have pointed out in the preceding Circular to County Wardens ; and I need not, therefore, farther allude to the subject in this place. (See pages 199-202)

3. The authority and duty of the Township Council to levy assessments, on certain conditions, for the purchase of School Sites, the erection of School Houses, and other Common School purposes are so plainly stated in the first clause of the Eighteenth Section of the new School Act of 1850, [page 37], as to require no other remark than this,—that the inhabitants of each School Section ought certainly to be the judges as to assessments levied upon them for the school purposes of their own Section, and their wishes should be carried into effect, without regard to the opinions of any person not belonging to their School Section ; and, as the Councillors are the proper Representatives of the Township affairs, so should the Trustees of each School Section, (or a majority of them,) be regarded as the Representatives of such Section in its School affairs. Such are the true principles involved in this clause of the Act.

4. The econd sclause of the Eighteenth Section of the new Act [page 37] authorizes the Council, at its discretion, to establish a Township Model School. The attempts of local Councils to establish Model Schools have thus far proved entire failures* ; and, with one exception, I think the money applied by the Councils and from the School Grant for such Schools, has done little good. The late District Councils have, in every instance except one, abandoned the attempt. I would suggest to each Township Council to consider such a matter well before undertaking it. To the success and usefulness of a Model School, a " model " Teacher, at any expense, is indispensable, and then a Model School House properly furnished, and then, to ensure success, a judicious energetic management.

5. The third and fourth clauses of this (Eighteenth) Section, relate to the authority and duty of the Council in regard to the formation and alteration of School Sections. The formation and alteration of School Sections is a duty, on the judicious performance of which, the efficiency of the Schools greatly depends. The conditions and precautions provided in the new School Act, relative to the time and manner of making changes in the limits of School Sections, will prevent the recurrence of the evils which have been experienced, as stated in the complaints which have been often made on this subject, and afford due protection to all parties affected by such changes. The duty of forming and altering School Sections, which was formerly enjoined upon District Councils, now devolves upon Township Councils. I know not that I can add anything on this point to the remarks which I made in my first Circular addressed to the Heads of District Municipal Councils, 1st October, 1846.† Subsequent experience has only confirmed me in the correctness and importance of those remarks.

6. It will be observed that special provision is made for the formation and alteration of Union School Sections, consisting of parts of two, or more, Townships, and that alterations of Sections and the formation of separate Sections, provided for in the Eighteenth Section, take effect the 25th day of December,—thus preventing the inconvenience resulting from alterations in School Sections, taking effect in the course of the year, and at the same time providing that the annual returns of children of school age residing in each Section in the last week in December, shall be a proper basis on which to distribute the School Fund to School Sections the ensuing year. It is hardly necessary for me to direct the attention of the Council to the notifications required by the third and fifth clauses of this (Eighteenth) Section of the School Act. It is important that the local Superintendent should be made acquainted with all proceedings relative to the Schools, of which he has the oversight ; and, for that reason, provision is made in the Fifth Section, the twelfth clause of the Twelfth Section, and the fifth clause of this Eighteenth Section of the Act.

7. The provision of the Nineteenth Section of the Act, as far as it relates to Separate Protestant and Roman Catholic Schools, is substantially the same as that contained in the Fifty-fifth and Fifty-sixth Sections of the School Act of 1843, and in the Thirty-second and Thirty-third Sections of the School Act of 1846,‡ with the exception, that the present Act of 1850 imposes more effective restrictions and conditions in the establishment of such Schools than either of the former Acts referred to. Under the City and Town School Act of 1847, the establishment of Separate Schools in Cities and Towns was at the discretion of the Municipalities, and not at that of the applicant-parties. No complaints having been made against this provision of the law, even in Cities and Towns, it was at first proposed to extend the application of

*It will be seen by reference to the Common School Act of 1843, that Model Schools were authorized and established in the various Counties of Upper Canada by the Act of that year. See pages 242, 260, 261, of the Fourth Volume of this Documentry History.

† Printed on pages 260-265 of the same Fourth Volume of this Documentary History.

‡ See pages 259, 260 of the same Fourth Volume and pages 67, 68 of the Sixth Volume of this Documentary History.

the same principle and provisions to Township Municipalities ; but objections having been made to it by some, (both Protestant and Roman Catholic) Members of the Legislature, the provision of the former School Act was re-enacted,—requiring, however, the petition of twelve heads of families, instead of ten inhabitants, as a condition of establishing a Separate School, and aiding it upon the principle of average attendance, instead of at the discretion of the Local School Superintendent, as under the former Acts. But, notwithstanding, the existence of this provision of the law since 1843, there were last year but Fifty-one Separate Schools in all of Upper Canada,—nearly as many of them being Protestant as Roman Catholic ; so that this provision of the law is seldom acted upon, except in extreme cases, and is of little consequence for good, or for evil,—the law providing effectual protection against interference with the Religious opinions and wishes of parents and guardians of all classes, and there being no probability that Separate Schools will be more injurious in time to come that they have been in time past.

8. It is also to be observed, that a Separate School is entitled to no aid beyond a certain portion of the School Fund for the salary of the Teacher. The School House must be provided, furnished, warmed, Books procured, and so forth, by the persons petitioning for the Separate School. Nor are the patrons, or supporters, of a Separate School exempted from any of the local assessments, or rates, for Common School purposes. The law provides equal protection for all classes and Denominations ; if there be any class, or classes of either Protestants, or Roman Catholics, who are not satisfied with the equal protection secured to them by law in Mixed Schools, but wish to have a School subservient to sectional Religious purposes. they should, of course, contribute in proportion, and not tax a whole community for the support of sectarian interests.

9. The Twentieth Section of the new Act provides, under certain circumstances, for the incorporation of all the Schools in a Township under one Board of Trustees, like all the Schools in Cities and Towns.* This would supersede the necessity of the School Section divisions of a Township, and establishish one interest and one management for all of the Schools in such Township. In the State of Massachusetts, this option is given, as the inhabitants of each Town, (called Township with us,) can have each School managed by an elective Committee of three, (analogous to our Trustees), or all the Schools managed by "Select Men," (a Board of Trustees,) for the whole Town. The Honourable Horace Mann states that Schools managed according to the latter method, are generally more efficient than those managed by separate Committees. But the Towns there are smaller in geographical extent than our Townships. I am not prepared formally to recommend Township Boards of Trustees ; but I think it is well for the inhabitants of each Township to have the power of adopting it, if they desire to do so.

10. Before concluding, I desire to advert to the relief which the provisions of this new Act affords Municipal Councils in the settlement of School Section disputes. Heretofore, a very considerable portion of the time of some Municipal Councils have been occupied in the investigation and discussion of such disputes, at a heavy expense to the Municipalities, and often to the satisfaction of no party.† Besides it was hardly fair to make an elective Council a judicial tribunal, for the impartial trial of matters, affecting, in a considerable proportion of cases, one, or more, individual Councillors themselves, or one, or more individual constitutents, by whom one, or more, Councillor-judges had been opposed, or supported, at municipal elections, or whose anticipated support, or opposition, at future elections might place Councillors in a position equally painful in the investigation of such matters. It is a grave question of civil polity, whether popularily elective Bodies should be invested with judicial functions. The judicial decisions of such Bodies have generally been most severely criticized, and have exposed their authors to more odium than have any other Judges been liable to for their decisions. The judicial decisions of the highest elective Body in the land—the Legislative Assembly—have been questioned even in the smallest matters.—such as a decision on the conduct of a newspaper Reporter towards one of its own Members. I have always, therefore, considered it impolitic and unjust to Councillors to impose upon them the task of investigating and deciding upon personal matters of dispute between their constitutents, or in which they themselves might be considered as interested parties. The new School Act is free from this objection. It will be seen by referring to the Eleventh Section, to the eighteenth clause of the Twelfth Section and to the Seventeenth Section, that the new School Act provides for the settlement of nearly all probable School Section disputes by a simple unexpensive system of local arbitration, (without appeal to the Chief Superintendent, or to any other tribunal,) a mode of settling disputes which, I trust, will soon become general throughout the Province.

11. I hope to have it in my power, in the course of a few months, to present each Township Council in Upper Canada with a copy of a valuable work on School Architecture,—containing a great variety of Plans of School Houses and Premises, Specifications, and every information necessary to aid in the erection and furnishing of School Houses, and providing every descrip-

* See Note on the subject of Township Boards of School Trustees on page of this Volume.

† As an illustration of this fact, See paragraph 4, on pages 123 and 124 of the Seventh Volume of this Documentary History.

tion of School Apparatus. I trust that each Township Council will do honour to its important position in this great work of the Country's education, and, by the united and individual example of its Members, speedily succeed in rendering a Good School accessible to every child in the Municipality. I believe the present School Act furnishes greater facilities than any preceding one for the accomplishment of this object; a party, a selfish, a slothful spirit alone can defeat it.

TORONTO, 12th April, 1850. EGERTON RYERSON.

VII. CIRCULAR TO THE LOCAL SUPERINTENDENT OF COMMON SCHOOLS IN UPPER CANADA, ON THEIR DUTIES, UNDER THE COMMON SCHOOL ACT OF 1850.

With this Circular you will receive a copy of the new School Act of 1850 for Upper Canada, 13th and 14th Victoria, Chapter 48, and of the Forms and Instructions necessary for its due execution.

The duties which this Act imposes upon the Local Superintendents of Schools are of the gravest importance; and it is on the nature of these duties, and the manner of discharging them, that I desire to address you on this occasion.

The new School Act relieves the Local Superintendent from being a Treasurer of School Moneys,—from keeping financial accounts, and from giving Bonds with Sureties to the Municipal Council appointing him. The County Treasurer is the responsible Officer for the safe keeping and prompt payment of the County School Fund, upon the orders of Local Superintendents. Whatever balances of School moneys may chance to be in your hands, should be forthwith handed over to your County Treasurer,—you taking his receipt for the same.

1. The duties of each Local Superintendent of Schools are clearly pointed out in the several clauses of the Thirty-first Section of the new Act. The first duty mentioned is, to opportion the School money notified to him by the County Clerk, to the several School Sections within the limits of his charge. This he is to do, according to the average attendance of pupils in each School, unless otherwise instructed by the Chief Superintendent of Education. The local distribution of the School Fund among the several Schools, according to average attendance, (the near attendance of pupils for both Winter and Summer being taken,) is an important provision of the law, and based upon reasons which will be found in a note*; but it should not be adopted without previous full notice to all parties concerned. It is not, therefore, to be adopted the present year. You will this year apportion the School money to the several School Sections within the limits of your charge entitled to receive it, (as in former years,) according to the ratio of children over five and under sixteen years of age resident in such School Sections respectively,

*This provision of the new Act was first submitted by me to the consideration of the Governor-General-in-Council on the 14th October, 1848, in transmitting the Draft of a short Bill, designed to remedy some of the defects of the School law of 1846.† The reasons assigned for the introduction of this new principal into the law, relative to the apportionment of

† Printed on pages 83-93 of the Eighth Volume of this Documentary History.

School moneys, were as follows:—

"The Twelve Section proposes giving a discretionary power for the distribution of the School Fund in each District to the several Schools, according to attendance, instead of according to School population. The Bathurst District Council has strongly advocated attendance as the basis of distributing the District School Fund. As population has been invariably adopted in all of the popular School Laws with which I have met, as the basis of distributing the local School Fund of each County, or Town, as well as the State, or National, Fund to the several Municipal localities, I hesitated in proposing any other until a few months since, when I received the last Annual Report of the Massachusetts Board of Education, in which I find this distribution of the School Fund recommended to the Legislature with a force of argument which, I think, cannot be resisted. I find experienced persons, whom I have consulted of the same opinion. I find, on examination, that in many large School Sections, the attendance of pupils is often not larger than in small ones. Distributing the School Fund according to attendance will, therefore, be favourable to small Sections. I find also, that the attendance of pupils in new and poor rural Sections and Townships is larger in proportion to the whole School population, than in older Townships, and in Cities, or Towns. The adoption of the proposed principal of distribution, will, therefore, be favourable to the newer and poorer sections of the country. This is the result of a most extended inquiry into the statistics of School attendance as compared with School population in the State of Massachusettes; and the Secretary of the State Board of Education concludes his argument on this point with the following impressive remarks:—

"It is most obvious, then, that an apportionment of the income of the School Fund, according to the average attendance of children upon the School,—taking the mean of attendance for both Summer and Winter Schools—would conduce greatly to the benefit of the smaller, the more agricultural, and the more sparsely populated Towns (townships). It would distribute the bounty of the State on the principle of helping those who help themselves. It would confer the benefit of the income on the children who attend the public Schools, instead of bestowing it in behalf of children who attend Academies and private Schools, and never enter the public Schools at all; and thus it would give a practical answer to the pertinent question 'why money should be given to those who disdain to use it.' And lastly, it would be a new argument of great weight in many minds in favour of a more uniform attendance upon School; because the detention from School of any child who ought to be in it, would diminish the Towns' (Township's) share of the income, and thus inflict palpable injustice, not only on the absentee, but on all other children in the Town,'" (township.)

In the last Annual School Report of the Superintendent of Schools for the State of New York, I find that the same provision is recommended to the favourable consideration of the Legislature of that State, in the following words:—

"It is respectfully suggested to the Legislature, whether the ratio of apportionment and of distribution of the school money, might not advantageously be so changed as to have reference to the attendance of pupils upon the district Schools, for a certain specified period during the preceding year, instead of being upon either population, or the number of children actually residing in the district. By the adoption of this mode of distribution, strong inducements would be presented to the taxable inhabitants of the several districts, to place their children in the Common Schools, and to keep them there, for a sufficient length of time to secure an additional share of the public money.

as compared with the whole number of children of the same ages in the Township, or each Township under your superintendence. In my Circular notification to County Clerks, (of the current year Legislative Apportionment.)* I have adverted to the manner in which these data should be furnished to any Local School Superintendent, who may not have obtained them.

2. Having apportioned the school money to the several Sections within the limits of his charge, the Local Superintendent's next duty is to pay the money thus apportioned to legally qualified Teachers, and no others, on the lawful orders of Trustees. The proviso of the Fifteenth Section of the Act of 1850 gives validity to the Certificates of Qualification given by Local Superintendents during the present year. No Teacher who has not such a Certificate, or who cannot procure one, is entitled to any part of the School Fund. Before the end of the current year, I trust that Regulations will be framed and provisions will be made for the more uniform and thorough examination of Teachers, and the more systematic and equitable classification of them. In my Circular to Wardens of Counties,† and in my remarks in the Chapter on the Forms and Instructions,‡ I have sufficiently adverted to the manner of paying Teachers, and accounting for School moneys, under the provisions of the new School Act.

3. The next, and of all the duties of the Local Superintendent the most vitally important, is the inspection of Schools. The provision of the law is explicit, both as to the frequency and the manner of this inspection. The law requires each Local Superintendent:

"To visit each School within his jurisdiction, at least once in each quarter; and, at the time of each such visit, to examine into the condition of the School, as it respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the school Registers, the average attendance of pupils, the character and condition of the Building and Premises, and to give such advice as he shall think proper."

I do not think it is possible for a Local School Superintendent to observe, with any sort of fidelity, even the letter of the law, without spending nearly, if not quite, half a day in each School at each visit. To deal in a few vague generalities on such occasions, and to make it a kind of exhibition, is a burlesque on the object and duty of the inspection of Schools. Such an exhibition of general results is appropriate at a Public Quarterly Examination; but the object of inspection is much more detailed, practical and thorough, and relates to the mode of proceeding in every particular of School Instruction and Government. The infrequency and very defective manner in which the Schools have been inspected in some Districts, has given rise to objections against the very office of Local Superintendent itself.

To perform this duty with any degree of efficiency, a Local Superintendent should be acquainted with the best modes of teaching every department of an English School, and be able to explain and exemplify them. It is, of course, the Local Superintendents' duty to witness the modes of teaching adopted by the Teacher, but he should do something more. He should, at some part of the time, be an actor as well as spectator. To do this he must keep pace with the progress of the science of teaching.§

When young, I taught a District Grammar School for about two years, and with some degree of reputed success;‖ but the kind of teaching and school organization which would, in many instances, have been applauded in this Country twenty-five to thirty years ago, ought not to be tolerated now. Every man, who has to do with Schools, ought to make himself master of the best modes of conducting them, in all the details of arrangement, instruction and discipline. A man commits a wrong against Teachers, against children, and against the interests of School Education, who seeks the office of Local Superintendent without being qualified and able to fulfill all its functions. In respect to the manner of performing the visitorial part of your duties, I have nothing material to add to the suggestions which I have made in my Circular to District Superintendents of Schools in December, 1846. They are as follows:—

Your own inspection of the Schools must be chiefly relied upon as the basis of your judgment, and the source of your information, as to the character and methods of school instruction, discipline, management, accommodations, and so forth: and, on this subject, we ought not to content ourselves with those exterior and general facts, which have hitherto been the special, and almost only, subjects of School Reports, such as the number of Schools,—that of pupils, their age, the sums expended, and so forth. These items of information are of unquestionable importance; and every means ought to be employed to render them more exact and complete. But, it is not of less importance to know the exterior regime of the Schools;—the aptitude, the zeal, the deportment of the Teachers; their relations with the pupils; and, in a word, the whole moral and social character and results of the instruction given, as far as

* This Circular being a usual yearly one is not inserted in this Volume.

† Pages 199-202 of this Volume. ‡ *Ibid*, page 194.

§ In connection with this subject of School Inspection, I would refer to the exposition of "the best mode of inspection of Schools" given on pages 52-56 of the Eighth Volume of this Documentary History.

‖ On pages 230, 231 of the Second Volume of this Documentary History, I have given, from the "*Ryerson Memorial Volume*," Doctor Ryerson's own account of his early efforts as a Teacher,—he having been, in his young days, an Usher in the London District Grammar School, of which his eldest Brother, George, was the Master.

can be ascertained. Such information cannot be acquired from Reports and Statistical Tables; it can only be obtained by special visits, and by personal conversation and observation,—by a personal examination of the several classes, in their different branches of study, so as to enable you to ascertain the degree and efficiency of the instruction imparted.

In the Inspection of Schools, I would suggest something like the following order and subjects of inquiry and examination:—

I. *Mechanical Arrangements.*—The tenure of the property; the materials, dimensions and plan of the buildings; how lighted, warmed, and ventilated; if any class-rooms are provided for the separate instruction of part of the children; if there is a lobby, or closet, for hats, cloaks, bonnets, and so forth; how the desks and seats are arranged and constructed, and with what conveniences, what arrangements for the Teacher; what play-ground is provided; what gymnastic apparatus, if any; whether there be a well, and proper conveniences for private purposes.*

II. *Means of Instruction.*—The Books used in the several classes, under the heads of Reading, Arithmetic, Geography, and so forth; the Apparatus provided, as Tablets, Maps, Globes, Black-boards, Models, Cabinets, Library, and so forth.

III. *Organization.* Arrangement of classes; whether each child is taught by the same Teacher; if any Assistant, or Assistants, are employed, to what extent, how remunerated, and how qualified.

IV. *Discipline.* If the pupils change places in their several classes, or whether they are marked at each lesson, or exercise, according to their relative merit; if distinction depends on intellectual proficiency, or on a mixed estimate of intellectual proficiency and moral conduct, or on moral conduct only; what rewards, if any; whether corporal punishments are employed;—if so, their nature, and whether inflicted publicly, or privately; what other punishments are used; whether attendance is regular; what Religious Exercises are observed, and what Religious Instruction is given, if any.

V. *Method of Instruction.*—Whether mutual, or simultaneous, or individual, or mixed; if mutual, the number of Monitors, of what attainments, how appointed, how employed; if simultaneous, that is, by classes, to what subjects of instruction: whether the simultaneous method is not more, or less, mingled with individual teaching, and on what subjects; to what extent the intellectual, or the mere rote, method is pursued, and on what subjects; how far the interrogative only is used; whether the suggestive method is employed; whether the elliptical method is resorted to; how the attainments in the lessons are variously tested,—by individual oral interrogation,—by requiring written answers to written questions,—or by requiring an abstract of the lesson to be written down from memory.

VI. *Attainments of Pupils.*—1. In Reading; whether they can read imperfectly, indistinctly, or with ease and expression. 2. *In Writing*; whether they can write at all, or imperfectly, fairly well, or with ease and correctness. 3. In Arithmetic; whether acquainted with Notation and Numeration, Addition, Substraction, Multiplication, Division, or not, respectively; whether skilful in them; whether acquainted with the Tables of Moneys, Weights, Measures, and skilful in them; whether acquainted with the Compound Rules, and skilful in them; whether acquainted with the higher rules, and skilful in them; whether acquainted with the exercises in Mental Arithmetic, and skilful in them. 4. In Grammar; whether acquainted with its divisions, rules of orthography, parts of speech, their nature and modifications, parsing, composition, and so forth. 5. Geography, History, Bookkeeping, and so forth; the order of questions suggested by the nature of the subject. The extent and degree of minuteness with which the inspection will be prosecuted, in respect to any, or all, of the foregoing and kindred subjects, must, of course, depend upon circumstances.

4. Another most important duty required of each Local Superintendent is, "To deliver in each School Section, at least once a year, a Public Lecture on some subject connected with the objects, principles, and means of practical education." The education of a free people is, to a great extent, a system of voluntary exertion. There may be a good School Law, and there may be a large School Fund; and yet education may decline. Massachusetts, without a farthing's State School Fund, until since 1835,—(and it amounts to only a few thousand dollars a year,) has nobly advanced in the sound and universal education of her youth; while Connecticut, with the largest School Fund of any State in America, in proportion to her population, has ignobly declined in the same great work of patriotism and humanity. In a "Prize Essay," published in the Appendix to the last School Report of the Connecticut State Commissioner, on the necessity and means of improving the Common Schools of Connecticut," I find the following, among many similar statements:—

"A few years since, the name of Connecticut was mentioned in connection with Common Schools, with honour only; it is now, in this connection, coupled with expressions of doubt and regret, and that by wise and sober men. Her large State endowment is described as having put her effectually asleep, as having sent her to "Sleepy Hollow," from the influence of which, when she is aroused for a moment, it is to talk of her noble School Fund and James Hillhouse, just as Rip Van Winkle did of his neighbours, who had been dead forty years. The School Fund is quoted everywhere out of Connecticut,—we venture to say it is quoted in every other State in the Union,—as a warning and example to deter them from giving the proceeds of their own funds, except only on the condition, that those who receive, shall themselves raise as much as they take, and report annually as to the results. Those who go from other States into Connecticut, can hardly credit the testimony of their own senses when they are forced to believe the apathy that prevails. Every newspaper and every lecturer out of Con-

* See Note on the subject of School Accommodation on page 196.

necticut, high and low, ignorant and knowing, sneers at the Connecticut School Fund, and the present condition of Connecticut Schools. Those who go from Connecticut into other States, and from them into Connecticut, feel a shock in the transition. It is like going from a cellar into sunshine, or from sunshine into a cellar. We know an intelligent gentleman who has seen his scores of years, who has recently removed from Rhode Island into the "land of steady habits," and can scarcely understand, or believe, that the apathy which he finds, can be a realty. The writer has, within a few years, made the change the other way, from Connecticut to the Bay State. He, too, has been forcibly impressed with the contrast. In one particular, this contrast is very striking. In Connecticut, the people have been persuaded, that to be taxed for the support of Common Schools is a levy upon the poor, for the Schools of the rich. In Massachusetts, the people know that all such taxes are a lawful tribute from the rich, for the benefit of the poor. We have seen in the latter State, in a crowded Town-meeting, a thousand hands raised as by magic, to vote the largest of two sums named by a School Committee, a sum which was nearly a dollar for every individual of the entire population, men, women, and children. The motion was made by one of the wealthiest men in the Town, whose own children were too old to attend the Public School. It was supported by others wealthier than he, and having no interest of their own in the Schools."

These facts demonstrate that the onward progress of the education of a Country does not depend, primarily, or chiefly, upon a School Fund, or School Law, but upon the spirit and action of the people; and the great object of the Local Superintendent's Public School Lectures is, to awaken that spirit and arouse this action. The Present School Law requires that a voice should be lifted up on this subject in every School Section in Upper Canada; the commanding authority of that voice will depend upon the ability, the industry, the heart, of each Local Superintendent. No man ought to aspire to the office, or retain it a week, who has not the heart and ability to prepare and deliver Public Lectures in a spirit and manner worthy, in a good degree, of a cause interwoven with every vital interest of our Country's civilization and happiness. We cannot be too strongly impressed with the fact, that the administration of the School System is not like that of any other Department of the Public Service; it means a vigilant and effective oversight of the execution of the law, the protection and development of the Country's resources: the due administration of the School System,—and indeed, properly speaking, the great object of it, besides the ordinary administration of the law,—is to excite and maintain, as widely, and in as high a degree, as possible, among all classes of the community, a correct appreciation of the nature and importance of Popular Education, and a spirit of Intelligence, philanthropy, and patriotism in the adoption of the diversified means necessary for the attainment of that end. From the Office of the Chief Superintendent, down to the Desk of the humblest Teacher, a moral influence, an energy, a vitality, should be sent forth in behalf of the education of youth and the diffusion of useful knowledge among the people. If the right spirit glow in the bosom of every Superintendent, it will appear in every Public Lecture, in every School Visit, on every proper occasion in the intercourse of private and public life, and the results will soon be manifest in every Municipality in Upper Canada. On the other hand, great must be the responsibility, and deep the disgrace, of any Superintendent, who shall suffer the interests of Schools to droop and die, or linger on in a sickly condition, under his oversight.

5. On the duties of a Local Superintendent, respecting School Books and attending Meetings of the County Board of Public Instruction, I will not remark at any length. The former topic I have discussed at some length in my Annual School Report for 1849,* and, on the latter topic, some practical suggestions will be made when the Programme for the Examination and Classification of Teachers shall have been prepared and published.† Nor need I here offer any observations upon the duties imposed upon you by the subsequent clauses of this Thirty-first Section of the new Act. I doubt not but the several provisions respecting the support and duties of the Office of Local Superintendent, will contribute very much to its efficiency and usefulness.

6. It, therefore, remains with each Superintendent to say, whether the spirit and intentions of the School Law shall be fulfilled within his jurisdiction, as far as depends on the performance of the duties of his office. The new Act has been passed by the Legislature in the spirit of a generous nationality; the spirit of patriotism prevailed over the selfishness of party during the Parliamentary deliberations on this subject. The Government duly appreciated the wants and interests of the whole Country in the preparation of the Measure, and generally all parties in the Legislature cordially responded to it. In the same non-party and national spirit, I hope to see the Law administered. In 1841, the Common School Law of the State of New York was so amended as to authorize and require the Board of Supervisors of each County, (a Body in school matters similar to a County Council with us,) to appoint a County Superintendent of Common Schools. In a *Digest of the Common School System of the State of New York*, published in 1844 by the Deputy Superintendent, under the auspices of the State Superintendent of Schools, I find the following remarks, which I recommend to your serious attention:—

"As the usefulness of Local School Superintendents will depend mainly on the influence they shall be able to exercise upon the Officers and Teachers of the Schools, and upon parents and the

*Printed on pages 271-282 of the Eighth Volume of this Documentary History.

† This Programme will be inserted further on in this Volume.

inhabitants of districts generally, they will endeavour to deserve that influence by their deportment, and studiously to avoid everything which may impair it. Hence, it will be indispensable, that they should abstain wholly, and absolutely, from all interference in any local divisions, or in any questions by which the community in any Town, or district, may be agitated ; and although they cannot be expected to abandon their political sentiments, yet, it is obvious, that any participation in measures to promote the success of any political party, will not only diminish their influence and impair their usefulness, by exciting suspicion of the objects of their movements and measures, but will expose the office they hold to a vindicative hostility that will not cease until it is abolished. The intelligence of our people will not tolerate the idea of the agents of Public Instruction becoming the emissaries of partizan management."

The conviction expressed in the concluding sentences of this quotation, has been painfully realized. As party politics ran high, it was found that the appointment of Local Superintendents were made, in the State, to a considerable extent, in the spirit of political partizanship, and the influence of the Office was frequently employed for partizan purposes. A clamour was soon raised against the Office itself, which resulted in its abolition in 1847. Great efforts have been made during the last two years, by the State Superintendent and other experienced Educationists, to restore the office, and place it on a better footing than heretofore. These facts are admonitory. A man's qualifications, irrespective of sect, or party, should influence his appointment to the Office ; but, when once appointed, and during his continuance in office, he should act in the spirit of impartiality and kindness towards all Religious Persuasions and parties. This has been the avowal of the Government,* and the sense of the Legislature in regard to the Office and duties of the Chief Superintendent ; and I think it was equally understood and intended, that no tinge of partizanship should attach to the supervision of Schools, even in the remotest Township of the Province. The spirit of the vow made by the Prussian School Councillor Dinter, should imbue the heart of every School officer in Upper Canada :—

"I promised God, that I would look upon every Prussian peasant child as a being who could complain of me before God, if I did not provide him the best education, as a man and a Christian, which it was possible for me to provide."

TORONTO, 12th August, 1850. EGERTON RYERSON.

VIII. CIRCULAR TO THE TRUSTEES OF COMMON SCHOOLS IN UPPER CANADA, ON THEIR DUTIES UNDER THE NEW SCHOOL ACT OF 1850.

Having caused the new School Act to be printed, and having provided for sending a copy of it to each of the 3,036 Corporations of Common School Trustees in Upper Canada, I now address a few words to you on your duties and responsibilities under the provisions of that Act.

The Correspondence on the Common School Law, which has been printed by order of the Legislative Assembly,† furnishes evidence that in every Communication which I have addressed to the Government on the subject of our School Law, during the last four years, I have endeavored to get both Trustees and Teachers placed in a better position, for the fulfillment of their duties, and the protection of their interests. I am happy that the provisions of the new School Act contain all that I have sought for in both of these respects ; and I can now congratulate the Trustees of Common Schools in Upper Canada on their being placed in a position more favourable for the efficient and satisfactory discharge of their duties, than the Trustees of Common Schools in any State of America.

The new Act confirms all past elections, appointments, contracts, assessments, rates, and so forth, while it gives to all parties concerned the advantages of its own provisions in the execution of whatever may have been commenced, or undertaken, until the authority of any previous School Act. Nothing, therefore, in any part of our school operations, is, in the slightest degree deranged ; but Trustees are provided with additional facilities, as they are invested with new obligations, to fulfill their previous engagements, and provide for the future interests of the Schools under their charge. The several clauses of the Twelfth Section of the new School Act clearly specify the powers and duties of Trustees. I will only advert, at present, to the more important of them.

1. As the Representatives of the people in the Legislative Assembly determine the amount of money to be expended for any object, or the Salary of any Public Officer to be employed ; so the Trustees, as the Representatives of the people in a School Section have the sole power of determining the amount of the Teacher's salary, and of the incidental expenses of the School. They can also procure such Apparatus and Text-books as they may judge expedient for the use of the pupils in the School. But the manner in which the salary of a Teacher and other actual, or estimated expenses of the School shall be raised, is left to a Public Meeting of the tax-payers, to be called for that purpose. Then, if the whole of the expenses are not thus provided for, the Trustees have authority to raise the balance in such manner as they may think proper,

* As expressed by the Honourable Francis Hincks, and quoted on page 14 of this Volume.

† This Correspondence will be found on pages 223-250 of the Eighth Volume of this Documentary History.

either by Voluntary Subscription, by Rates on parents sending children to the School, or Rates on all the taxable property of the School Section. Trustees themselves, (and not a Magistrate,) issue the necessary Warrants for the collection of all Rates levied by them on resident taxpayers. Trustees can also, if they so desire, petition the Township Council, in behalf of any lawful School Section Meeting to impose School rates, and the Council is required to give effect to the request of such Meeting, as expressed by the Trustees. The Common School property of a Section is no longer vested in the Municipal Council, but in the Corporation of School Trustees, and is, as such, liable for debts contracted by them. Trustees are, therefore, furnished with every needful security and means to enable them to establish a Good School, and provide for its efficient support. Faithful Trustees are provided with a still further protection and assistance, in the penalities which the new School Act imposes upon those Trustees who refuse, or wilfully neglect, to perform their duties. It has sometimes occurred, that Trustees have been thwarted, or embarrassed, in fulfilling their engagements, or doing their duty, by one, or other, of their Colleagues refusing to act, and perhaps, in some instances, actually supporting an opposition School. The sixteenth clause of the Twelfth Section of the Act provides, that :

"In case any of the Trustees shall wilfully neglect, or refuse to exercise such corporate powers for the fulfillment of any contract, or agreement, made by them, he, or they, shall be personally responsible for the fulfillment of such contract, or agreement."

The Eighth Section of the Act further provides that :

"Every person chosen as Trustee, and not having refused to accept, who shall, at any time, refuse, or neglect, to perform the duties of his office, shall forfeit the sum of Five pounds ; which sum, or sums, may be sued for and recovered by the Trustees of the Section, for its use, before any Justice of the Peace."

It will thus be seen, that the new School Act makes effectual provision in the case of any person getting into the office of Trustee, and then refusing, or neglecting, to perform its duties ; that it affords ample protection to each Trustee who performs his duties, and provides every means necessary to enable Trustees to fulfill their engagements. Instances sometimes occur, of parents, or individual Trustees, refusing, or neglecting, to pay a Teacher on the expiration of his engagement,—the Teacher being thus compelled to leave without the payment of his hard-earned dues, and a debt, thus perpetuated, to the disadvantage of a new Teacher, and the future injury of the School.

The Seventeenth Section of the Act guards against this injustice. It provides that :

"Any Teacher shall be entitled to be paid at the same rate as mentioned in his agreement with the Trustees, even at the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, according to their engagement with him."

This provision will prevent the injurious accumulation of debts to Teachers in a Section, and it will furnish Trustees, desirious of performing their duties, with satisfactory reasons for insisting upon prompt payment of the Rates for the Teacher's salary ; while it will afford protection to the discharged Teacher, against any possible attempt to wrong him. Then, the Eleventh and Seventeenth Sections, and the eighteenth clause of the Twelth Section, provide an easy mode of arbitration, by which Trustees can settle any differences which may arise between them and the Teacher, or with other parties in the School Section.

I know not how a Law, founded upon popular principles and a due regard to the equal rights of all parties, can more effectually provide for the easy and efficient discharge of the duties of Trustees, the right of each School Section to manage its own local affairs, and the means and facilities of education for all its children.

2. On the duties of Trustees, in respect to their Teacher and School, I refer you to the Second Section of the General Regulations, prescribed by the Council of Public Instruction, for the Organization, Government, and Discipline of Common Schools in Upper Canada.* It is needless for me to attempt to add a word to the practical and impressive views there expressed relative to the Duties of Trustees ; and I would also recommend to your special attention the several Sections of those General Regulations, and remarks upon them, which I have prepared according to law, to aid Trustees in the performance of their duties.

3. It will be seen that the new School Act provides every desirable facility for the establishment of Free Schools,—Schools supported by the property of all, and equally free to the children of all,—the only Schools which are, in my opinion, based upon the true principles of national education, and adopted to national wants.† But I wish every School Municipality to be the judge as to the manner of supporting its own Schools ; and I think the success of Free Schools will be greatly influenced by the discretion exercised in their first establishment. As the very object of a Free School, and the principle of supporting it, implies a School for the common education of all the children and youth of a School Section, the first requisite towards its accomplishment, is to provide a School House and a Teacher adequate to that end. To employ a

*These will be found on pages 195-197 of this Volume.

† For Doctor Ryerson's "Appeal" in favour of Free School, see pages 73-81 of this Volume.

Teacher incompetent to teach all the school-going youth of a section, and yet to tax all the inhabitants to pay the salary of such incompetent Teacher, is manifestly unjust. Trustees should, therefore, upon the ground of justice to all School-rate payers, as well as from a regard to the interests of their own children, employ none but a highly competent Teacher, when it is determined to have a Free School. A good School, and a Free School should be convertible terms, as should an able Teacher and a Teacher of a Free School. Then will the quality and character of instruction be as much advanced, as the number of pupils will be multiplied, with the establishment of every Free School. The Appendix to my School Report for 1849, contains copies of my addresses on the subject of Free Schools throughout Upper Canada ; and the Legislative Assembly has ordered a copy of that Report to be furnished to each School Corporation in the Province.* The Report itself also contains the sentiments of Local Superintendents and other enlightened friends of education on the subject of Free Schools. That Report will be placed in your hands shortly. I will, therefore, dismiss the subject in this place, with the single additional remark, that I hope, before the year 1860, to see the light of a Free School emitting its splendor and imparting its blessings to every child of every School Section in Upper Canada.†

It only remains for me, while I again congratulate you on the auspicious circumstances in which the new Act places you, to urge upon you the fulfillment of the high purposes of your responsible office. The destinies of the rising and future generations of the Country are truly in your hands. The youth of the land look up to you, as the guardians and providers of that education which will enable them to perform their duties to their Maker, to their Country, and to posterity. Surely you cannot,—you will not,—betray their interests and disappoint their hopes. May they have reason to "rise up and call you blessed"! May the fruits of your labours place Upper Canada in a position of honour and pre-eminence among the other Countries of North America !

TORONTO, 12th of August, 1850. EGERTON RYERSON.

IX. CIRCULAR TO THE TEACHER OF EACH COMMON SCHOOL IN UPPER CANADA ON HIS DUTY UNDER THE NEW COMMON SCHOOL ACT OF 1850.

The new Common School Act of 1850, for Upper Canada, has been sent to all the Municipalities and School Sections. It may be regarded as the Great Charter of Common School Teachers in Upper Canada. It stamps their profession with new importance, and throws over their interests and character the shield of a new protection. I can now say truly, that I know of no State, where a Popular School System exists, in which the rights and interests of Teachers are so effectually protected, as under the provisions of the new School Act for Upper Canada. The pages of the "*Journal of Education*" and the "Correspondence on the School Law," printed by order of the Legislative Assembly,‡ attest the feelings I have entertained, and the efforts I have made to elevate the position, protect the rights, and improve the circumstances of School Teachers ; and I rejoice to witness the enactment of a law, so far satisfactory on this subject, as to prompt me, for the first time during my six years' occupancy of office, to address an official Circular to Teachers,—believing that their position and prospects are now sufficiently encouraging to justify me in holding up the profession of a Teacher as a comfortable, as well as respectable and useful employment for life.

2. The new Act provides Trustees of Common Schools with greater facilities for raising the salaries of Teachers and furnishing the Schools with all needful Maps, Apparatus, and Text-books, than I know of in any other Country ; while, at the same time, it makes corresponding provision for the punctual payment of Teachers, both from the School Fund and local School Rates. You have only to study carefully the provisions of the new School Act to be impressed with the conviction, that they have been conceived in the spirit of the warmest regard for the interests and efficiency of the Teachers' profession, and contain all that can be secured by law to a Teacher, under a system of local self-government, where the patronage and emoluments of each School, (beyond the amount of the School Fund apportioned to each School Section,) are in the hands of a local elective Corporation, and not of a central Executive, as in other systems of government. The facilities for Normal School Instruction to all Teachers, who wish to avail themselves of it, are also greater, under the liberal provisions of the new Act, than in any other Country in America. A valuable series of uniform Text-books, coming so generally into use, and the Trustees being authorized to supply all the pupils with them, cannot fail greatly to relieve and facilitate the labours of the Teacher. It will also be observed, in the Regulations, which have been made by the Council of Public Instruction, (under the provisions of the new Act,) that the independence of the Teacher, in the teaching and classification of his School, is

* For the principal Address on Free Schools, see pages 73-81 of this Volume.

† It was not, however, until 1871 that Free School became universal in Upper Canada, under the provision of the School Act of that year.

‡ See also pages 223-250 of the Eighth Volume of this Documentary History.

placed beyond petty interference, or individual tyranny. Under the more effective system for examining and licensing Teachers, as provided for by the new School Act, and the Programme for the Examination and Classification of Teachers,* prepared by the Council of Public Instruction, a proper line of demarcation will be drawn between Teachers, according to their relative qualifications ; and each Teacher will acquire the position and advantage to which he is entitled.

3. Such being your position, relations and prospects, under the provisions of the new School Act, I am desirous of making a few general remarks and suggestions, relative to your future conduct Your general duties are prescribed in the several clauses of the Sixteenth Section of the School Act, and the Rules according to which you are to conduct your School, will be found in the Third and fifth Sections, of the General Regulations for the Organization, Government and Discipline of Common Schools, adopted by the Council of Public Instruction.† I hope you will meditate upon, and make yourself thoroughly acquainted with, the intention and spirit of these requirements of the Law, and of the Regulations authorized by it. What I have now to offer is of a more general character.

4 Permit me first to say, value your profession. If you do not value it, others will not. But do not show your estimate of it, by assuming lofty airs, or making lofty pretensions, but by making yourself thoroughly master of it, by devoting your energies to it, by becoming imbued with its spirit. Let your actions speak, and let your heart feel. If an orator would have his audience feel, he must first feel himself ; and, if a Teacher does not feel, and does not give proof that he feels, the value and importance of his work, can he reasonably expect others to do so? We often hear it said, "Teachers are not respected." But, is it not almost as often true, that Teachers do not respect themselves?—that they do not act respectably ;—that they themselves provoke the disrespect of which they complain? A Teacher cannot be made respectable by Act of Parliament. He must make himself so. In every ordinary employment of life, a man who acts upon high principles, and shows that he understands and values his business, will invariably command respect. Nor are the Teacher and his work an exception to the general rule. Nay, wherever a Teacher has shown himself the possessor of noble principles, and that he understood and loved his work, has he not commanded respect, and soon acquired commanding influence in the neighborhood of his residence? I am persuaded that the people of Upper Canada do not, to any considerable extent, disrespect Teachers, who are worthy of respect. A people in so young a Province, and in the infancy of the School System, who voluntarily taxed themselves last year to the amount of Two Hundred and Seventy-five thousand dollars, ($275,000,) (considerably more in proportion to population than the amount raised last year by the people of the State of New York) for salaries of Teachers alone,—irrespective of the Legislative School Grant, and of the sums assessed and collected for the erection of School Houses,and for the incidental expenses of Schools.—cannot but respect every respectable Teacher. It is true, that narrow and mean views are entertained by some as to the amount of a Teacher's remuneration, but the same persons entertain similar views as to the remuneration of all Public Officers. But the number of these enemies of knowledge and petty tyrants of mental labour, will diminish, as intelligence and manly virtues advance in society. The large increase which has already, in many instances, taken place in the salaries of efficient Teachers, and the increasing demand for such Teachers, in various parts of the Province, indicate a progress full of encouraging hopes and anticipations for the future.

5. Then, if you value your profession yourself, employ the proper means to give it a place, not only in the esteem, but in the interest and sympathies, of others. The profession of a Teacher is a means to an end ; it exists, not for the sake of the Teacher himself, but for the interests of society. It is a work indispensable to the progress and well-being of society. What is the Teacher's work? It is to develop the mind, to mould the heart, and to form the character of the future citizens, Magistrates and Rulers of our land! It is to teach and implant that which is the only true guarantee of liberty, order and social stability—the essential element of a Country's prosperity and happiness. Show that you sympathize with these objects,—that your heart is in them,—that your thoughts and aims do not terminate in yourself alone, but embrace others,—and especially encircle the rising generation. Such a spirit, like heat in the atmosphere, will be diffusive. Others will imbibe it ; the indifferent will become interested, and the selfish will begin to feel the impulses of intelligent generosity ; parents will become increasingly anxious for the education of their children, and children will become increasingly anxious to be educated. In any neighborhood, both in town and country, where any youth are allowed to grow up uneducated, a Teacher should be an Educational Missionary, as well as an Educational Pastor ; and every instance of success will add to his influence and means of support, as well as usefulness. No class of men in the Country will derive so large an individual advantage from the progress of society as School Teachers, and they ought to be intent in efforts to excite every sentiment and feeling, and to procure and circulate every publication, which will tend to diffuse education and knowledge. A Teacher who folds his arms in slothful

* See pages further on in the next Chapter of this Volume.

† Printed on pages 195-198 of this Volume.

inactivity,—neither improving in knowledge himself, nor advancing it among others,—and yet complaining that no Hercules comes to his relief, deserves neither respect, nor assistance; while the Teacher, who nobly exerts himself in both acquiring and diffusing knowledge, will receive both emolument and respect, if not admiration and applause.

6. The mutual intercourse of Teachers,—mutual visits to each others' Schools,—forming, and meeting occasionally, or periodically in, Associations for mutual improvement, and the promotion of professional objects,—which are no other than public interests;—these and kindred measures, in connection with professional reading and industry, cannot fail to contribute much to the success, enjoyment, and social standing of Teachers. Professional friendships will be formed; professional feeling will be enkindled; professional zeal and emulation will be excited; professional skill and usefulness will be improved; and Teachers will be more respected by the community at large, by thus evincing proper respect for each other. Faithful Teachers have already on their side the enlightened part of the community, the press, the pulpit, and the Legislature. Let them be true to themselves and to their profession. Lord Bacon has said truly,—"Every man owes a debt to his profession."

On one occasion, some weeks since, I felt pained beyond expression, in witnessing certain Members of the Bar chiming in with a senseless and shameful clamor against their profession,—to members of which the Americas people have, at this moment, entrusted every department of their supreme Government, and to the intelligence and patriotic advocacy of which Upper Canada is indebted for every vestige of her constitutional and municipal government, and the most valuable Statutes of civil and criminal jurisprudence, as well as the largest facilities for Public Education, and some of the finest examples of personal and social virtues. I hope that no temptation to pander to the passions of prejudice, ignorance, or selfishness, will ever induce you to forget the debt which you owe to your profession. Seek to have it purged of every inebriate, every blasphemer, every ignorant idler, who cannot teach and will not learn; and do what in you lies to stamp upon it the character of intelligence and virtue, and make it worthy of that high respect and liberal support which an enlightened people will readily award to able Teachers of their offspring.

7. I would also offer a word of caution against discouragement in your work, or disinclination to it, on account of its comparative obscurity. It is true, the circle of your daily labours is narrow, and the results of them are remote; there is little variety in your employment, and the monotony of it is only varied by Quarterly Examinations and short Vacations. It, therefore, requires more than ordinary patience, perserverance and benevolence, to pursue your work, month after month, and year after year, with unabated zeal and energy. Yet your work is now a public profession, recognized by law, and none but a Teacher, examined and licensed according to law, is permitted to receive a farthing of the public School Fund, any more than a person not examined and admitted to the Law Society, is permitted to practice as a Barrister-at-Law. And the results of the work performed in the humble School House, though remote, will not be uncertain, and may one day appear in the highest position of a free people's gift, or in the most important affairs of a nation's diplomacy, or in the most honoured relations of parental and social life. The Common School House is the sole Educational College for the vast majority of the present youth and future fathers and mothers of our Country. That accomplished scholar and elegant writer, Doctor Jared Sparks, President of Harvard University, traces his early training, and several years of his apprenticeship in teaching, to the Common School; and the great American Statesman and orator, Daniel Webster, is accustomed to refer to the Common School as his first *alma mater*, in which was laid the foundation of his future character. Through long months, and in retirement and solitude, the Italian Painter occupied his brush on a single piece of canvas; but that canvas has, age after age, imparted instruction and delight to hundreds of thousands. For years did the Grecian Sculptor, in almost exiled seclusion, employ his chisel on a single block of marble: but that marble has survived the wreck of empires, and still commands the admiration of the refined of all countries. Let the practical philosophy of these facts be engraved upon the heart of every right-minded Teacher, and it will sweeten his toil, and add fresh attractions to every successive year of his increasingly skilful and efficient labours.

TORONTO, 14th of August, 1850. EGERTON RYERSON.

X. CIRCULAR TO THE CLERKS OF THE SEVERAL COUNTIES, TRANSMITTING A CERTIFIED COPY OF THE APPORTIONMENT OF THE LEGISLATIVE SCHOOL GRANT FOR 1850.

1. I transmit you a copy of that New School Act, of 1850, and of the Forms and Instructions for the execution of its provisions.

2. According to the Forty-second Section of the Act, the money apportioned to the several Townships of your County, is forthwith payable to the County Treasurer.

3. As required by the third clause of the Twenty-seventh Section of the Act, you will at once notify the Local Superintendent of Schools of the apportionment as far as relates to the

Townships under their charge respectively, and notify me also of the name and address of your County Treasurer, and of each Local Superintendent in your County ; also favour me with the information, from time to time, required by the last proviso of the same Section of the Act.

4. Besides raising by local assessment a sum equal, (clear of all charges of collection,) to that now apportioned to the several Townships of your County, it is important that two things be specially provided for by the Council of which you are Clerk :—The one is to obtain forthwith from the late District School Superintendent, (if they have not been already obtained,) the last year's Statistical Returns of the children of the school age in each School Section and parts of Section in your County. These Returns are the data upon which the Local Superintendents must distribute the School Fund to the several School Sections the present year. It will be necessary for each Local Superintendent to be furnished with a copy of such Returns, so far as they relate to the School Sections under his charge. He cannot take the first step towards making the apportionment of the School Money notified to him, without these data.

5. It is also important that your County Council, (consisting, as it does, of one, or more, Representatives from each Township,) take the requisite steps to have all School Moneys, either of the past, or present, year, which now are, or may come, into the hands of Township Collectors, or Local Superintendents, paid over to the County Treasurer,—so that they may be paid out and accounted for according to the provisions of the new Act.

6. I regret the unavoidable necessity, (arising from the state of the School Law,) which has compelled me to defer, to so late a period, the notification of the current year's apportionment of the School Grant. I trust that such a necessity will not occur again, and that the promptness of co-ordinate action, on the part of each County Council, will provide for the payment of the Assessment part of the School Fund within the period prescribed by law.

7. I fear that the School Returns, on which I have been compelled,—for the want of better data,—to base the apportionment to the various municipalities of Upper Canada, are defective, in some instances, and exaggerated in others. I hope the General Census of the Province, now in the course of being taken, will in future enable me to revise and render the whole school apportionment more equitable, as well as enable me to notify it to the several Municipalities at the beginning of the ensuing year.

Toronto, 30th July, 1850. Egerton Ryerson.

CHAPTER XX.

EXAMINATION AND CLASSIFICATION OF TEACHERS, WITH FORM OF THEIR CERTIFICATES OF QUALIFICATION.

Circular to the County Boards of Public Instruction on their Duties under the School Act of 1850.

I transmit you herewith a copy of the Programme for the Examination and Classification of Teachers of Common Schools, which has been adopted by the Council of Public Instruction, as required by the new School Act, of 1850 ; and I think it proper, at the same time, to make a few explanatory and practical remarks on the subject.

1. You will observe that the standard of qualifications prescribed for each class of Teachers, is extremely low ; lower indeed, than, in strict propriety, it ought to be ; lower than it is for Common School Teachers in Ireland ;—lower than it will doubtless be in Upper Canada in the course of three, or four, years. The standard here laid down for First-Class Teachers, will probably soon be applied to Second Class Teachers, and that of Second, applied to Third Class Teachers, and no persons will be admitted into the Public Schools, as legally qualified Teachers, whose qualifications will not enable them to secure a Second Class Certificate, according to the accompanying Programme.* But the Council of Public Instruction has had regard to the present circumstances of the Country, to the fact that this is the first step which has yet been adopted for establishing an uniform standard and system of examination of Teachers throughout Upper Canada. It is painful to think, that there should be a necessity in any part of the Province, to license persons as Teachers with no higher qualifications than those required of Third Class

* This Programme will be found on the succeeding pages of this Chapter.

Teachers in the accompanying Programme ; but it is hoped that such a necessity will not long exist ; and every Teacher of this Class should be impressed with the consideration, that, if he wishes to be recognized in future years as a legally qualified Teacher of Common Schools, he must apply himself diligently to the acquisition of higher qualifications. The profession of School-teaching can only be efficient, and influential, as the qualifications and character of its members are respectable and elevated. The accompanying Programme states the minimum of qualifications required for each class of certificates.

2. But the first, and perhaps most important duty which devolves upon you, is that which precedes an examination into the intellectual qualifications of candidates. The law expressly declares, that "no Certificate of Qualification shall be given to any person as Teacher, who shall not furnish satisfactory proof of good moral character." This is a vital point on which you are called to pass a conscientious and impartial judgment, before you admit any candidate to an examination. The law of the land thus makes you the moral guardians of the children and youth of your respective Counties, as far as depends upon the moral character of their Teachers, the same as the Divine law makes you the guardians of your own children ; and you should certainly license no character to teach the former, whom you would not permit to teach the latter. Many representations have been made to this Department respecting intemperate, and profane, and Sabbath-breaking Teachers. To what extent these representations are well-founded, is not for me to say. But, when so many parties have been individually authorized to license Teachers, it were not surprising if isolated individual firmness should be overcome by the importunity of a Candidate, in some instances, backed by requests of inconsiderate Trustees. Now, however, you meet in Council ; the Candidates come before you on common ground ; you judge of the "moral character" of each by a common rule ; you are less liable to those plaintive appeals and pleas which have so often been pressed upon the feelings of individual Superintendents and Visitors. I cannot but regard it as your special mission to rid the profession of Common School Teaching of unworthy characters, and of wholly incompetent persons, to protect the youth against the poison of a vicious Teacher's example, and to lay the foundation for greatly elevating the Profession of School Teaching, and greatly increasing the efficiency and usefulness of Common Schools. The moral character of Teachers involves the deepest interests of our offspring, and the widest destinies of our Country. No lax expediency, or false delicacy, should be permitted to endorse a person of irregular habits, or doubtful morals, as a "good, moral character," and let him loose upon society, authorized and certified as a duly qualified Teacher of its youth. I am sure you will agree with me, that your Certificates should state what you believe to be strictly true, and, therefore, be a guarantee to Trustees of Schools and parents of children, in regard to the moral character and intellectual qualifications of every Teacher whom you shall license.

3. As to your examination of Candidates in the several subjects mentioned in the Programme, I had, at first, intended to have prepared some general questions on each subject, as hints both to examiners and Candidates for Certificates of different classes ; but, on further consideration, I found it would occupy too much space, and might probably be better left to the discretion and judgment of the Examiners themselves. I would only suggest, therefore, as all the Candidates present at any meeting of a County Board of Examiners will probably be examined in a single class, the Candidates entitled to the Lower Class Certificates may be relieved from remaining, (except as mere spectators,) at the continuation of the examination of those who are deemed competent to be examined in the subjects prescribed for the Higher Class Certificates ; and that, as the object of the examination is, to ascertain not only the nature and extent of the attainments of the Candidates, but their capacity to teach others what they know themselves, the examination, in each subject of the Programme, should be specially adapted to elicit this primary qualification of a good Teacher, as also his knowledge of School Organization, Classification, and Government.

4. It only remains for me to advert to the mode of calling the first meeting of County Boards of Public Instruction, and of holding their future meetings. As the mode of calling the first meeting is left by the School Act as a matter of instruction from this Department. I have thought it would be most convenient for the members of each County Board to meet about the middle of November ; and I have appointed the time accordingly. Each County Board once assembled, will ever after, according to law, appoint the times and places of its own meetings. It is submitted, whether the first meeting of each County Board of Public Instruction would examine Teachers at all ; whether the Members present at such meetings might not consider and determine their mode of proceeding in the admission of Candidates to examination, and in the mode of examining them ;—assigning to one, or more, Members of the Board, the duty of conducting the examination in each branch, or subject, prescribed in the Programme ; and then appointing the time and place, or times and places, for the examination of Teachers,—giving due publicity to the same. As but three Members of the County Board are required to be present at any meeting for the examination and licensing of Teachers, they might, at a general meeting agree to meet in sections of three, or four, Members each at places most convenient for the examination of Teachers for different specified portions of the Country—especially if it be large.

As, by the Fifteenth Section of The School Act, the Certificates of Qualification to Teachers, given by Local Superintendents of Schools, are valid during the current year, The Meetings and proceedings of the County Boards will have reference to 1851 and future years.

No branch of a System of Public Instruction has ever been brought into operation in any Country, without much anxious toil ; and the efficient commencement of this most important, and too long neglected, department of School System, will require no inconsiderable labour and much patient and earnest purpose to promote the welfare of the rising generation. The more serious and difficult part of the task will soon be accomplished, while the results cannot fail to be extensively beneficial, alike upon the application, the aspirations and improvements of Teachers, the character of the Schools, and the progress and interests of the pupils.

TORONTO, 8th of October, 1850. EGERTON RYERSON

PROGRAMME FOR THE EXAMINATION AND CLASSIFICATION OF TEACHERS OF COMMON SCHOOLS, BY THE COUNTY BOARDS, PRESCRIBED BY THE COUNCIL OF PUBLIC INSTRUCTION FOR UPPER CANADA ON THE THIRD DAY OF OCTOBER, 1850.

NOTE.—*Candidates are not eligible to be admitted to examination until they shall have furnished the Examiners with satisfactory evidence of strictly temperate habits and good moral character.*

MINIMUM QUALIFICATIONS OF THIRD CLASS TEACHERS.

Candidates for Certificates of Qualification are required :

1. To be able to read intelligibly and correctly any passage from any common Reading Book.

2. To be able to spell correctly the words of an ordinary sentence dictated by the Examiners.

3. To be able to write a plain hand.

4. To be able to work readily questions in the Simple and Compound Rules of Arithmetic, and in Reduction and Proportion, and to be familiar with the principles on which these Rules depend.

5. To know the Elements of English Grammar, and to be able to parse any easy sentence in prose.

6. To be acquainted with the Elements of Geography, and the general outlines of the Globe

7. To have some knowledge of School Organization and the Classification of Pupils

8. In regard to Teachers of French, or German, a knowledge of French, or German, Grammar may be substituted for a knowledge of the English Grammar, and the Certificates to the Teachers are to be expressly limited accordingly.

MINIMUM QUALIFICATIONS OF SECOND CLASS TEACHERS.

Candidates for Certificates of Qualification as Second Class Teachers, in addition to what is required of Candidates for Third Class Certificates, are required :

1. To be able to read with ease, intelligence, and expression, and to be familiar with the principles of Reading and Pronounciation.

2. To write a bold free hand, and to be acquainted with the rules of teaching Writing.

3. To know Fractions, Involution, Evolution, and Commercial and Mental Arithmetic.

NOTE. (Female Candidates for this class of Certificates of Qualification will only be examined in Practice and Mental Arithmetic.)

4. To be acquainted with the Elements of Book-Keeping.

5. To know the common Rules of Orthography, and to be able to parse any sentence in prose, or poetry, which may be submitted ; to write grammatically, with correct spelling and punctuation, the substance of any passages which may be read, or any topics which may be suggested.

6. To be familiar with the Elements of Mathematical, Physical and Civil, or Political, Geography, as contained in any School Geography.

MINIMUM QUALIFICATIONS OF FIRST CLASS TEACHERS.

Candidates for Certificates of Qualification as First Class Teachers, in addition to what is required of Candidates for Second and Third Class Certificates, are required :—

1. To be acquainted with the Rules for the Mensuration of Superfices and Solids, and the Elements of Land Surveying.

2. To be familiar with the simple Rules of Algebra, and to be able to solve Problems in Simple and Quadratic Equations.

3. To know the first four Books of Euclid.

4. To be familiar with the Elements and Outlines of General History.

5. To have some acquaintance with the elements of Vegetable and Animal Physiology, and Natural Philosophy, as far as taught in the Fifth Book of the Irish National Readers.

5. To understand the proper Organization and Management of Schools, and the improved Methods of Teaching.

(NOTE. Female Candidates for first class Certificates of Qualification will not be examined in the subjects mentioned in the first three paragraphs under this head.)

CHAPTER XXI.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATURE OF CANADA.

On the 20th of May, 1851, His Excellency Lord Elgin, Governor General of Canada opened the Fourth Sessions of the Third Provincial Parliament with the usual Speech from the Throne, in which he made no reference to Educational Matters in Upper Canada.

EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, SESSION OF 1851.

May 26th, 1851.—Pursuant to the Order of the Day, the following Petition was read :—of the Reverend Stephen Lett, LL.D., and others, Clergy and Laity, Members of the United Church of England and Ireland, in the Diocese of Toronto ; praying an Act of Incorporation for a Church of England University, under the name of "Trinity College."

June 2nd, 1851.—Pursuant to the Order of the Day, the following Petition was read :—Of the Municipal Council of the County of Prince Edward praying for certain amendments to the Common School Act.

June 4th, 1851.—Pursuant to the Order of the Day, the following Petition was read :—Of the Right Reverend Joseph E. Guigues, Bishop of Bytown, the Roman Catholic Clergy, and others, of Bytown and its vicinity ; praying aid in behalf of the College of Bytown.

June 5th, 1851.—Pursuant to the Order of the Day, the following Petition was read :—Of the Reverend Oliver Kelly and others, Roman Catholics, of the Town of Brockville, praying for a certain amendment of the Common School Act.

Ordered, That the Honourable Henry Sherwood have leave to bring in a Bill to amend the Charter of the University of Toronto. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time on Wednesday, the Twenty-fifth instant.

The following is a copy of this Bill, intituled :—

"AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY OF TORONTO."

Preamble

WHEREAS the enactments, hereinafter repealed, or amended, originated in the earnest desire of the Legislature to meet the wishes of the people of this Province, by so constituting the University therein mentioned, as to afford to all Denominations and classes of Her Majesty's Subjects, without distinction, the means of obtaining a liberal Education therein ; but they have failed to effect the end intended, inasmuch as no College, or Educational Institution, has, under them, become, or manifested any desire to become, affiliated to the said University ; and many parents and others are deterred by the expense and other causes from sending the youth under their charge and care to reside in a large and distant City, or, from conscientious scruples, object to allow them to be educated in any Institution where they cannot receive Religous Instruction from Teachers of their own faith ; and,—

No desire for affiliation.

Conscientious Scruples

WHEREAS many persons do and will, therefore, prosecute and complete their studies in other Institutions in divers parts of this Province, to whom it is expedient to afford such facilities, and on whom it is just to confer such distinctions and rewards as many incline them to persevere in these their laudable pursuits ; and,—

London University Charter

WHEREAS experience hath shown that the principles embodied in Her Majesty's Royal Charter to the University of London, in England, are well adapted to remove the difficulties and to promote the attainment of the objects aforesaid: Be it therefore enacted by Her Majesty, etcetera.

Certain sections of the University Act of 1849 repealed. 12th Vict., chap. 82.

And it is hereby enacted by the authority of the same, that the Fifth to the Twentieth Sections, inclusive, and the Twenty-fourth to the Twenty-eighth Sections inclusive and the Forty-third Sections of the Act of 1849, passed in the Twelfth Year of Her Majesty's Reign, and intituled :—

"An Act to amend the Charter of the University established at Toronto by His Majesty King George the Fourth, to provide for the more satisfactory government of said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof;"

Certain sections of the University Act of 1850 repealed. 13th and 14th Vict., chap. 49.

And the First, Third, Fourth and Fifth Sections of the Act of 1850, passed in the Session held in the Thirteenth and Fourteenth Years of Her Majesty's Reign, intituled :—

"An Act to remove certain doubts respecting the intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada, forming an Appendage thereof,"

Inconsistent Parts of Charter repealed.

And so much of any other part of either of the said Acts, or of the Charter referred to in the Act first mentioned, as may be inconsistent with this Act, shall be repealed: but so much of the said Charter, as shall not be inconsistent with this Act, or with those provisions of the said Act which are not hereby repealed shall remain valid, or, if repealed by the Act first mentioned, shall be revived.

Name of the University, as chartered, changed.

But it shall not be deemed a new Corporation.

II. The University established by the said Charter and mentioned in the said Acts shall henceforth be called "The University of Toronto," and shall continue to be a Body Corporate, with such powers and privileges as are conferred upon it by those portions of the said Charter and Acts which remain in force after the passing of this Act, or by this Act; and neither such change of name, nor anything in this Act, shall be construed to make the said University a new Corporation, or to cause any action, suit, or proceeding in law, or in equity, to which the said University may be a party, to abate, cease, or be discontinued, but the same may be continued upon the suggestion of the passing of this Act, by, against, or with regard to, the said University, by the corporate name hereby assigned to it.

How certain words in the former Act and Charter shall be construed.

III. Whenever, in those portions of either of the said Acts, or of the said Charter, which will be in force after the passing of this Act, the University, or Corporation of "The Chancellor, Masters and Scholars of the University of Toronto," or of "King's College" is mentioned, or referred to, "The University of Toronto" shall hereafter be understood to be intended; and, whenever the Caput of the University is mentioned, the Senate shall be understood to be intended, and the word: "Officers," whenever it occurs in the same, shall include any Examiners, or other Officers to be appointed under this Act; but there shall be no Professorship, or other Teachership, in the said University: and the mention of any Officer, or office, in the said Acts, or Charter, shall not be understood as implying that their shall be any Officer, or office, of that name in the said University, unless the Senate shall see fit.

No Professorships, Etcetera to exist in this University.

Future affect of certain sections of 12½ Vict. Chap. 82.

IV. The Forty-sixth to the Forty-eighth, Sections inclusive, of the Act first mentioned, shall have no effect after the passing of this Act, except as to things done under them before that time, and not inconsistent with this Act.

Of whom the corporation shall consist.

V. The said University and Corporation, by the name herein assigned to it; shall hereafter consist of one Chancellor, one Vice-Chancellor, (who shall be a salaried Officer,) and such number of Fellows as the Governor of this Province shall, from time to time, appoint under his Hand and Seal-at-arms, and as shall be appointed by the Senate, under the power hereinafter contained.

Senate.

Chancellor, Vice-Chancellor, and Fellows to be the Senate.

VI. The Chancellor, Vice-Chancellor and Fellows, for the time being, shall constitute the Senate of the said University; and the first Chancellor and Vice-Chancellor shall be appointed by the Governor, in the manner aforesaid; but no Minister, Ecclesiastic, or Religious Teacher of any Denomination, or Persuasion, shall be appointed Chancellor at any time.

Governor to fill vacancies in the office of Chancellor.

VII. Whenever a vacancy shall occur in the office of Chancellor of the said University, either by death, resignation, or otherwise, the Governor may, in the manner aforesaid, nominate a fit and proper person to be Chancellor, instead of the Chancellor occasioning such vacancy.

How vacancies in the office of Vice-Chancellor shall be filled.

VIII. The office of Vice-Chancellor of the said University shall, whenever any vacancy shall occur, after the first appointment to the said office, be an annual one; and the Members of the Senate shall, at a Meeting to be holden by them for that purpose, on some day within fifteen days after such vacancy shall be known to them, and of which due notice shall be given, elect some one of the Fellows of the said University

to be Vice-Chancellor, who shall hold his office for one year from the time of his election; and the Members of the Senate shall, at a Meeting to be holden for that purpose, on some day within a month before the expiration of the tenure of the said office, of which Meeting due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and so, from time to time, annually; or, in case of the death, resignation, or other avoidance of the office by any such Vice-Chancellor after the first, before the expiration of his year of office shall, at a Meeting to be holden by them for that purpose, as soon as conveniently may be, of which due notice shall be given, elect one other of the said Fellows to be Vice-Chancellor for the remainder of the year, in such which death, resignation, or other avoidance of the office, shall happen.

Election of Fellows, when they fall below a certain number.

IX. If, at any time, by death, or otherwise, the number of the said Fellows shall be reduced below the number of ———, exclusive of the Chancellor and Vice-Chancellor for the time being, then, and in such case, and as often as the same shall happen, the Members of the Senate shall, as soon as conveniently may be, at a Meeting to be holden for that purpose, of which due notice shall be given, elect ———, or more fit and proper persons to be Fellows in addition to the then remaining Fellows, to the end that, by means of such election, the number of ———— Fellows of the said University may be completed, exclusive of the Chancellor and Vice-Chancellor of the said University; but no person shall be appointed, or elected, a Fellow who shall not be a subject of Her Majesty.

Governor to be Visitor.

X. The Governor of this Province shall be, (as heretofore,) the Visitor of the said University, in behalf of Her Majesty, with the powers vested in him as such Visitor by the Act (of 1849,) first mentioned.

XI. The Chancellor, Vice-Chancellor and Fellows for the time being shall, (subject to the provisions of the said Act (of 1849) relative to the Endowment Board and the duties assigned to it, and to the other unrepealed provisions of the said Act (of 1849), and to those of this Act relative to the Income and Property of the said University), have the entire management of, and superintendence over, the affairs, concerns and property thereof; and, in all cases unprovided for by this Act, or by any unrepealed enactment of the said Acts (of 1849 and 1850), it shall be lawful for the Chancellor, Vice-Chancellor and Fellows to pass such Statutes and to act in such manner as to them shall appear best calculated to promote the purposes of the said University; and the said Chancellor, Vice-Chancellor and Fellows shall have full power, from time to time, to make and alter any Statutes and Regulations, (so as the same be not repugnant to the Laws of Upper Canada, or to the general objects and provisions of this Act, or to the unrepealed enactments of the Acts (of 1849 and 1850) aforesaid,) touching the examination for Degrees, or for Certificates of Proficiency, and the granting of the same, and touching the mode and time of convening the Meetings of the Chancellor, Vice-Chancellor and Fellows, and, in general, touching all other matters, whatever, regarding the said University, or the property thereof; and all such Statutes and Regulations, when reduced into writing, and after the Common Seal of the said University have been affixed thereto, shall be binding upon all persons being Members, or Officers, thereof, and all Candidates for Degrees, or Certificates of Proficiency, to be conferred by the said University, a certified copy of such Statutes and Regulations, being deposited with the Provincial Secretary, within ten days after the passing thereof, to be laid before the Visitor of the said University, who may, at any time, within two years after the same shall have been left with the said Secretary, disallows the same, and any By-law, or Regulation, so disallowed, shall be null and void from the time when the disallowance thereof shall be signified to the said University.

Statutes may be disallowed by the Visitor.

University to grant Certificates of Proficiency.

XII. In addition to the power of conferring Degrees in Arts and Faculties, vested in the said University, the said Chancellor, Vice-Chancellor and Fellows shall have power, after examination, to grant Certificates of Proficiency in such branches of Knowledge as they shall, from time to time, by Regulations to be made in that behalf, determine.

Questions to be decided by majority of votes in Senate.

XIII. All questions which shall come before the Chancellor, Vice-Chancellor and Fellows in Senate, shall be decided by the majority of the Members present; and the Chairman, at any such Meeting, shall have a vote, and, in case of equality of votes, a second, or casting, vote.

Quorum fixed.

XIV. No question shall be decided at any Meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows, at the least, shall be present at the time of such decision.

Who shall preside at Meetings.

XV. At every Meeting of the Chancellor, Vice-Chancellor and Fellows, the Chancellor, or, in his absence, the Vice-Chancellor, shall preside as Chairman, or, in the absence of both, a Chairman shall be chosen by the Members present, or the major part of them.

Senate to appoint officers, &c.

XVI. The said Chancellor, Vice-Chancellor and Fellows, for the time being, shall have full power, from time to time, and as they shall see occasion, to remove all Examiners, Officers and Servants of the said University.

Examination of candidates.

XVII. Once, at least, in every year, the said Chancellor, Vice-Chancellor and Fellows shall cause to be held an examination of the Candidates for Matriculation and for

Degrees, or Certificates of Proficiency, as aforesaid; and, at every such examination, the Candidates shall be examined by Examiners appointed for the purpose from among the Fellows, by the said Chancellor, Vice-Chancellor and Fellows, or by other Examiners, so to be appointed; and, at every such examination, the Candidates shall be examined in as many branches of general Knowledge as the Chancellor, Vice-Chancellor and Fellows shall consider the most fitting subjects of such examination.

Candidates who have gone through the prescribed course of study in certain institutions to be admitted to examinations.

XVIII. And, in order to extend the benefits of Colleges and Establishments, already instituted in this Province for the promotion of Literature, Science and Art, whether incorporated, or not incorporated, by connecting them, for such purposes, with the said University, all persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Fellows, that such persons have, in any of the Institutions hereinafter mentioned, completed such course of instruction as the said Chancellor, Vice Chancellor and Fellows shall, as to the said respective Institutions, by Regulations to be made as aforesaid, from time to time, determine; and the Institutions, in which such course of instruction may be completed, shall be those hereinafter mentioned, that is to say: All Universities and Colleges in Upper, or Lower, Canada, or in any other part of Her Majesty's Dominions, empowered to grant Degrees in the Arts and Faculties; Upper Canada College, and all other incorporated Colleges in Upper Canada; all Colleges and Educational Institutions in connection with the University of London, in England; and also such other Institutions, corporate, or unincorporated, as now are, or shall hereafter be, established for the purposes of Education within this Province, or elsewhere within Her Majesty's Dominions, as the Governor of this Province shall, from time to time, prescribe to the said Chancellor, Vice-Chancellor and Fellows, under his Hand and Seal-at-arms.

From what schools, &c. candidates for Medical Degrees may be examined.

XIX. And, for the purpose of granting the Degrees of Bachelor of Medicine and Doctor of Medicine, and for the improvement of Medical Education in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, the said Chancellor, Vice-Chancellor and Fellows shall, from time to time, report to the Governor of this Province, through the Provincial Secretary, what appear to them to be the Medical Institutions and Schools, whether corporate or unincorporated, in this Province, from which, either singly, or jointly with other Medical Institution and Schools in this Province, or in other parts of Her Majesty's Dominions, or in Foreign Parts, it may be fit and expedient, in the judgment of the said Chancellor, Vice-Chancellor, and Fellows, to admit Candidates for the Medical Degrees, and, on approval of such Report by the Governor, shall admit all persons as Candidates for the respective Degrees of Bachelor of Medicine and Doctor of Medicine, to be conferred by the said University, on satisfying the said Chancellor, Vice-Chancellor and Fellows, that such Candidate has therein completed the course of instruction which they shall, by Regulations, in that behalf, determine; and it shall be lawful for the said Chancellor, Vice-Chancellor and Fellows, from time to time, with the approval of the Governor, to vary, alter and amend any such Reports, by striking out any of the said Institutions, or Schools, included therein, or by adding others thereto.

Power to confer Degrees.

XX. The said Chancellor, Vice-Chancellor and Fellows shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of: Medicine, Surgery, Midwifery and Pharmacy; and such reasonable fees shall be charged to the Candidates for Degrees, or for Certificates of Proficiency, as aforesaid, as the Chancellor, Vice-Chancellor and Fellows shall, by Regulations, or By-laws in that behalf, from time to time, determine.

Fees.

Names of successful Candidates for Degrees to be declared.

XXI. At the conclusion of every examination of Candidates for Degrees, the examiners shall declare the name of every Candidate whom they shall deem to be entitled to any of the said Degrees, and specify the departments of knowledge in which his proficiency shall have been evinced, and also his proficiency, in relation to other Candidates, and he shall receive from the Chancellor a Certificate, under the Seal of the University, and signed by the Chancellor, in which the particulars of proficiency, so declared, shall be stated.

Candidates certificates of proficiency to be classified.

XXII. At the conclusion of every examination of Candidates for Certificates of Proficiency, as aforesaid, the Examiners shall, under such Regulations as shall be made by the Chancellor, Vice-Chancellor and Fellows in that behalf, classify such Candidates according to their degrees of proficiency, and declare such relative proficiency, either by Certificate to be granted to them respectively, under the Seal of the University, or in, and by, published lists of the Candidates, to whom such Certificates shall have been granted.

Standard of qualification to be as high as in the University of London.

XXIII. The Regulations to be made, with respect to the literary and scientific attainments of persons obtaining Degrees, or Certificates of Proficiency, and their examination shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Fellows, permit, be similar to those in force for like purposes in the University of London, to the end, that the standard of qualification in the University of Toronto may not be inferior to that adopted for a like Degree, Certificate, or Honour, in the University of London.

Examiners to take an oath of office.

XXIV. The Examiners may be required to take the following oath of office before the Chancellor or Vice-Chancellor :—

"I swear that I will perform my duty of Examiner without fear, favor, affection, or partiality, towards "any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally "allowed to all. So help me God."

Present Statutes to remain in force, except, etc.

XXV. The present Statutes of the said University shall continue in force, in so far as they shall not be repugnant to, or inconsistent with, this Act, until they shall be repealed, or altered, in the manner hereby provided, by the Chancellor, Vice-Chancellor and Fellows, whose duty it shall be, so soon as conveniently may be, after the passing of this Act, to revise all the Statutes and Regulations of the said University, so as to make them harmonize with the provisions of this Act.

Regulations as to Students now matriculated.

XXVI. The said Chancellor, Vice-Chancellor and Fellows may make such Special Regulations as to them shall seem just, with regard to the examination of Students who have matriculated in the said University before the passing of this Act, and with regard to the completion by them of the described Course of Instruction, but in so far only as relates to the first Degree to be taken by any such Student after the passing of this Act, after which they shall be subject to the same Regulations as are other Candidates.

One Degree in Divinity may be granted to Students who might have obtained it under 12 Vict. C. 82.

XXVII. The said Chancellor, Vice-Chancellor and Fellows may grant one Degree in Divinity to any person, who, without this Act, would, under the Act (of 1849,) first mentioned, have been entitled to obtain such Degree, and may make such Regulations as to them shall seem just, with regard to the examination of such persons and the condition upon which such Degrees shall be obtained ; but no other Degrees in Divinity shall be conferred by the said University.

Present Professors, &c. continued until it be otherwise ordered.

XXVIII. Until it shall be otherwise ordered by the said Chancellor, Vice-Chancellor and Fellows, the present Professors and Lecturers of the said University shall, upon the passing of this Act and, by virtue thereof, be respectively Examiners in the same branches of knowledge in which they are now such Professors and Lecturers, and with the same salaries as they now enjoy and the other Officers and Servants of the said University shall, in like manner, continue to hold their offices, salaries, and emoluments, until it be otherwise ordered, as aforesaid.

They may be required to give instruction to Students now matriculated,

XXIX. The said Chancellor, Vice-Chancellor and Fellows may authorize and require any of the Examiners to give instruction and Lectures to the Students now matriculated in the said University, during such time as may, in the opinion of the said Chancellor, Vice-Chancellor and Fellows, be requisite to afford to such Students a fair opportunity of taking one Degree after the passing of this Act ; but no such Examiner, being now a Professor, or Lecturer, in the said University shall receive for such instruction, or Lectures, any allowance beyond his present salary.

Affairs of the University to be economically administered.

XXX. The said Chancellor, Vice-Chancellor and Fellows, shall regulate the expenses of the said University, with as strict a regard to economy as may be consistent with its thorough efficiency, and shall endeavor so to fix the salaries and allowances of the Examiners and Officers hereafter to be appointed, as that the same may be respectively fairly proportioned to the extent and importance of the duties assigned to them ; and all such salaries and allowances shall be fixed by Statute, and no sum exceeding One Hundred pounds currency, (£100,) shall be expended, or the expenditure thereof authorized, except by University Statute.

Scholarships or prizes may be granted to a limited amount

XXXI. The said Chancellor, Vice Chancellor and Fellows, may grant Scholarships, Exhibitions, Prizes and Rewards to persons who shall distinguish themselves at this Examination, but the same to be expended for such purposes, in any one year, shall not exceed Five Hundred pounds, (£500,) and such Scholarships as shall be of the nature and extent of those next mentioned ; and all such Scholarships, Exhibitions, Prizes and Rewards shall be granted according to Regulations previously made and published.

What the Scholarships under section 50 of 12 Vict. c. 82 shall be.

XXXII. The Scholarships provided for in the Fiftieth Section of the Act, (of 1849,) first mentioned shall hereafter be held to be Scholarships in any of the Institutions in Upper Canada in which the Course of Instruction prescribed by the Regulations of the University may be gone through and completed ; and, to each of such Scholarships, an annual stipend shall be attached, payable, (out of the University funds, or by any County, as the case may be), for such periods, and, on such conditions, as shall be fixed by the Regulations to be made in that behalf ; and, to any Scholarship granted under this, or the next preceding Section of this Act, there shall also be attached the title of "University Scholar."

Allowance to Institutions at which successful candidates for Degrees or certificates shall have gone through their course of study.

XXXIII. There shall be paid out of the Income Fund of the said University the sum hereinafter mentioned to the Institution in Upper Canada, (except Upper Canada College, which is already endowed out of the Public Lands of that portion of the Province*), in which any person who shall take a Degree in the said University, shall have gone through and completed the course of instruction required by the University, in order to enable him to take such Degree, that is to say : If such person take the Degree of Bachelor of Arts, the sum of Twenty-five pounds, (£25,) ; Master of Arts, the sum of Forty pounds, (£40,) ; Bachelor of Laws, the sum of Twenty-five pounds, (£25,) ; Doctor of Laws, the sum of Forty pounds, (£40,) ; Bachelor of Medicine, the sum of Twenty-five pounds, (£25,) ; Doctor of Medicine, the sum of Forty pounds, (£40,) ; to which

* See page 289 of the First Volume of this Documentary History.

sums twenty-five per cent. shall be added, if the person obtaining such Degree shall, at the same time, take Honours, and a reasonable sum to be fixed by Statute may, in like manner, be paid to the Institution in Upper Canada, in which any person, who shall obtain a Certificate of Proficiency shall have gone through and completed the course of instruction required by the Regulations to be made in that behalf.

Expenditure under 3 next preceding sections to be part of 6th charge on University funds.

XXXIV. The expenditure authorized by the three next preceding Sections of this Act shall form part of the sixth charge on the Income Fund of the said University, and the order of precedence, in which any of them shall be paid, if the amount of the said fund be not in any year sufficient to meet the whole, may be fixed by the Statute, or it may be provided, that, in such case, a proportionate amount only shall be paid on account of the whole, or of any portion, of such expenditure.

No Professorships &c. to be founded under sections 6 and 7 of 13 & 14 Vict. c. 49.

XXXV. No Professorships, or Fellowships, in the said University shall be founded under the Sixth and Seventh Sections of the Act (of 1850,) secondly above mentioned, and the Scholarships, therein referred to, shall hereinafter be held to be such Scholarships as are hereinbefore mentioned.

Endowment Board not to be affected. Condition as to its Members. Exceptions.

XXXVI. The constitution and duties of the Endowment Board shall not be affected by this Act, except that the Member thereof, appointed by the Caput of the said University, shall go out of office on the passing of this Act, and shall be replaced by a Member, who shall be appointed by the Chancellor, Vice-Chancellor and Fellows of the said University, and who shall hold his office during their pleasure, as shall also the other Member appointed by the Senate.

June 6th, 1851. Pursuant to the Order of the Day, the following Petition was read :—Of Mr. George S. Tiffany and others ; praying the passing of an Act to incorporate the Burlington Ladies' Academy at the City of Hamilton.

Ordered that the Petition of Mr. George S. Tiffany, and others, be referred to the Standing Committee on Standing Orders.

June 9th, 1851.—Pursuant to the Order of the Day, the following Petition was read : Of the Right Reverend John Strachan, Lord Bishop of Toronto, on behalf of the Clergy and Laity of the Diocese of Toronto, in Conference assembled at Toronto ; praying for the establishment of Separate Common Schools for the use of the children of Members of the Church of England.

The Honourable Henry Sherwood, from the Committee on Standing Orders, reported with respect to the Petition of Mr. George S. Tiffany, and others, that notice was not requisite, as the Petitioners did not seek to obtain any exclusive rights, or privileges, or any powers that would tend to interfere with the rights of other parties.

Ordered, that Sir Allan Napier Macnab have leave to bring in a Bill to incorporate Trinity College. He accordingly presented the Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time on Wednesday next.

The following is a copy of this Bill, intituled :—

"An Act to Incorporate Trinity College, Toronto."

Preamble.

Whereas it has been represented to the Legislature of this Province, that divers inhabitants of the said Province have used their efforts to establish a College in connection with the United Church of England and Ireland, in the City of Toronto, under the style and title of Trinity College, and are engaged in erecting and establishing the same ; and,

Whereas it would tend greatly to advance and extend the influence of the said College, and to promote the purpose for which it was established, that it should be incorporated :—

Be it therefore enacted, and so forth.

Corporation of *Trinity College* established : of whom to consist.

I. That there shall be, and there is hereby constituted and established at the City of Toronto, a body politic and corporate, under the name of Trinity College, which corporation shall consist of,—

Firstly, The Lord Bishop of Toronto, or, in case of the division of the said Diocese, then the Bishops of any Dioceses into which the Diocese of Toronto may hereafter be divided.

Secondly, The Trustees of the said Trinity College, and,

Thirdly, The College Council of the said Trinity College, not less than three in number ; which said Trustees and Members of the said College Council shall be named, in the first instance, by the Lord Bishop of Toronto, and shall, in the event of their death, removal from the Province, dismissal from office, or resignation, be replaced by other persons, to be named in like manner, or in such other manner as may, from time to time, be directed by any Statute of the said College to be passed for that purpose, and so on continually for ever.

II. *And be it enacted*, That said Corporation shall have perpetual succession, and may have a Common Seal, with power to change, alter, break, or renew the same, when, and as often as they shall think proper; and the said Corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province, and shall have full power to make and establish such and so many Rules, Orders and Regulations, (not being contrary to the Laws of the Country, or this Act,) as they shall deem useful, or necessary, as well concerning the system of education in, as for the conduct and government of, the said College, and of any other Institution, or School, connected with, or dependent on the same, and of the Corporation thereof, and for the superintendence, advantage and improvement of all the property moveable, or immoveable, belonging to, or which shall hereafter belong to the said Corporation; and shall have power to take, under any legal title whatsoever, and to hold for the said College, without any further authority, license, or letters of mortmain, all land and property moveable and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, or granted, to the said Corporation, or to sell, alienate, convey, let, or lease, the same, if need be. And the said Corporation shall further have the right of appointing an attorney, or attorneys, for the management of its affairs, and generally shall enjoy all the rights and privileges enjoyed by other Bodies politic and corporate, recognized by the Legislature:—Provided always, that no Rule, Order, or Regulation, which shall be made and established by the said Corporation, in manner aforesaid, shall be of any force, or effect, until the same shall have been sanctioned and confirmed by the said Lord Bishop, or Bishops, as aforesaid.

Corporate powers. Statutes. Property. Appointing Attorneys. General Powers. Proviso: Statutes to be subject to approval of Bishop.

III. *And be it enacted*, That all the property which shall, at any time, belong to the said Corporation, as well as the revenues thereof, shall, at all times, be exclusively applied and appropriated to the advancement of education in the said College, or in any other Institution, or School, connected with, or dependent on, the same, and to no other object, institution, or establishment, whatever.

To what purposes property shall be applied.

IV. *And be it enacted*, That this Act shall be considered a public Act, by all Judges, Justices of the Peace, and Officers of Justice, and by all other persons whomsoever, and shall be judicially taken notice of, without being specially pleaded.

Public Act.

V. *And be it enacted*, That this Act shall not extend to weaken, diminish, or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any other person, or persons, Body politic, or corporate, excepting only such rights as are hereby expressly altered, or extinguished.

Rights of the Crown, and so forth, saved.

Ordered, that the Honourable Henry John Boulton have leave to bring in a Bill to incorporate the Toronto School of Medicine. He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday, the eighteenth instant.

June 13th, 1851. Pursuant to the Order of the Day, the following Petitions were read: (1), Of the Reverend I. B. Howard, Chairman, on behalf of the Board of Common School Trustees of the Town of Peterborough, praying for the passing of an Act to make more effectual provision for the maintenance of Grammar Schools in Upper Canada; (2), Of the Municipal Council of the Town of Guelph, praying for the appropriation of the Clergy Reserve and Rectory Lands to purposes of Education.
it was,—

June 16th, 1851. On motion of Mr. William Lyon Mackenzie, seconded by Mr. James Hall,

Resolved, that an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause the proper Officer to lay before this House, copies of all Reports made, in duplicate, to His Excellency by the Endowment Board of the University of Toronto, and of the Upper Canada College and Royal Grammar School, and by the Auditors of accounts of those Institutions, in compliance with the Provisions contained in Sections Twenty-two and Twenty-three, and Fifty-nine and Sixty, of the University Act of 1849, shewing the State of the Property and Effects, and generally of the fiscal, or financial, affairs of the said University, and of Upper Canada College and Royal Grammar School, since they were established upon principles: "To conciliate the confidence and ensure the support of all classes and Denominations of Her Majesty's Subjects;" also, copies of all Annual Reports made by the Principal of Upper Canada College and the Royal Grammar School, shewing their condition and progress, under the authority of Section Fifty-five of the said Act, or so much of the said copies of Reports as may have been received by the Government.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honourable the Executive Council of this Province.

June 17th, 1851. Ordered that Mr. James Smith have leave to bring in a Bill to repeal the provision Limiting the Distance Between the County Town and any additional Grammar School in the same County, in Upper Canada. He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

June 18th, 1851. On motion of the Honourable Henry John Boulton, seconded by Mr. Robert Christie, it was,—

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Tabular Return of the Professors and other Persons who received salaries, or other emoluments, from the late University of King's College; and of the Professors and other Persons receiving from, or to whom salaries have been assigned in the University of Toronto, up to the present time; distinguishing in each year the amount of their respective salaries and emoluments; the number of Students attending each course of Lectures; and whether such Students have been matriculated, or not; the fees charged to each Student; the number of Lectures delivered each week by each Professor; and the number of attendants at each Lecture; the annual income of the University, and whether any, and what, part of the University Endowment has been applied to the annual expenses; and during what years has any part of the Endowment been so applied; and what Pensioners are paid out of the funds of the University.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honourable the Executive Council of this Province.

June 20th, 1851. Pursuant to the Order of the Day, the following Petitions were read:—(1), Of the University of Queen's College at Kingston, praying that a grant be made to the Grammar School established in connection with the said University, called "Queen's College School," similar to that made to the High Schools of Montreal and Quebec; (2), Of the University of Queen's College at Kingston, praying for a grant in aid of the Endowment of the said University; (3), Of Mr. Michael Brennan and others, Roman Catholics, of the Town of Belleville, praying for the Amendment of the Nineteenth Section of the Common School Act of 1850, so as to provide more effectually for Separate Schools in certain cases.

June 25th, 1851. Pursuant to the Order of the Day, the following Petitions were read:—(1), Of Mr. John Neilson and others, of the Townships of Walpole and Rainham, representing the insufficiency of the present provision for the support of Common Schools in Upper Canada, and praying that the proceeds of the Clergy Reserves may be applied to purposes of Education; (2), Of Mr. James W. Fell and others, of the Village of Chippewa, praying for the adoption of measures for the immediate and final appropriation of the funds arising from the Clergy Reserves to purposes of General Education; (3), Of the Municipality of the Township of Willoughby, praying for an investigation into the establishment of the Rectories, and for the final appropriation of the Rectories and Clergy Reserve Lands to purposes of General Education.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery, was received, as follows:—

MR. SPEAKER,

The Legislative Council have passed a Bill, intituled: "An Act to Incorporate the Burlington Ladies' Academy," to which they desire the concurrence of this House; and also, the Legislative Council have passed a Bill, intituled: "An Act to Incorporate the Toronto School of Medicine," to which they desire the concurrence of this House.

TORONTO, June 25th, 1851. RENÉ E. CARON, Speaker.

An engrossed Bill from the Legislative Council, intituled: "An Act to Incorporate the Burlington Ladies' Academy", was read the first time; also an engrossed Bill from the Legislative Council, intituled: "An Act to Incorporate the Toronto School of Medicine," was read the first time.

On motion of the Honourable Henry John Boulton, seconded by Mr. George Sherwood of Brockville, it was,

Ordered, That the said Bill be read a second time to-morrow.

On motion of Sir Allan N. Macnab, seconded by Doctor Harmannus Smith, It was,—

Ordered, That the engrossed Bill from the Legislative Council, intituled: "An Act to Incorporate the Burlington Ladies' Academy," be read a second time to-morrow.

The order of the Day for the second Reading of the Bill to Incorporate Trinity College, Toronto, being read; The Bill was accordingly read a second time, and referred to the Standing Committee on Miscellaneous Private Bills.

June 26th, 1851. On motion of Mr. William H Boulton seconded by Mr. David B. Stevenson, and

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Return, showing the annual sum payable under the provisions of the Act, 13th and 14th Victoria, Chapter 68, for Interest on all Debentures issued on account of the Normal and Model Schools (and Education Offices) at Toronto, now outstanding.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honourable the Executive Council of this Province.

June 27th, 1851. Pursuant to the Order of the Day, the following Petition was read : Of Mr. Charles P. Treadwell, of L'Orignal, County of Prescott, praying for the appropriation of a sufficient sum of money to purchase for each Member of both Branches of the Legislature, one set of Holbrook's School Apparatus, to be by them presented to the best Model, or Grammar, School in their respective Counties, Towns, or Cities.

Ordered, That the Bill to Incorporate Trinity College, Toronto, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

June 30th, 1851. The Order of the Day for the second Reading of the Honourable Henry Sherwood's Bill to amend the Charter of the University of Toronto, being read, it was,

Ordered, That the Bill be read a second time on Wednesday next.

July 2nd., 1851. Pursuant to the Order of the Day, the following Petition was read : Of the Municipal Council of the United Counties of Leeds and Grenville, praying for a certain amendment to the Common School Act of 1850.

And the Order of the Day for the second Reading of the Bill to Incorporate the Toronto School of Medicine, being read, it was,

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the Day for the second Reading of the engrossed Bill from the Legislative Council : intituled : "An Act to Incorporate the Toronto School of Medicine", being read ; the Bill was accordingly read a second time ; and referred to the Standing Committee on Miscellaneous Private Bills.

July 3rd, 1851. Pursuant to the Order of the Day, the following Petitions were read : (1), Of Mr. James Carpenter and others of the Village and vicinity of Demorestville, County of Prince Edward, praying that the number of Pupils required by Law to be in attendance at the Grammar School in the said Village may be reduced : (2), Of the Municipality of the Township of Crowland, praying that the Rectory and Clergy Reserve Lands may be appropriated to purposes of General Education.

July 7th, 1851.—Pursuant to the Order of the Day, a Petition was read ; Of the Municipal Council of the County of York ; praying for certain amendments to the Common School Act of 1850, as follows :—

To the Honourable the Legislative Assembly of the Province of Canada.

The Petition of the Municipal Council of the County of York, Respectfully Sheweth :

1. That the position which the Members of this Council occupy, in regard to the educational interests of their constituents, has enabled your Petitioners to observe, with attention, the results consequent upon the introduction of the Statute, 13th and 14th Victoria, Chapter 48, which is the Common School Act of 1850, now in operation. In so doing, it is with regret that your Petitioners find that several of its provisions, although evidently intended to have been beneficial, practically obstruct its legitimate operation, and detract from its general and due appreciation.

2. With a view to conduce to the removal of the difficulties above referred to, your Petitioners beg leave to submit to the serious consideration of your Honourable House, the following suggestions; and, in so doing, would firstly refer to the Twenty-eighth Section of the said Act, under which provision the County has to bear the whole expense attendant upon the examination of Teachers, from which, Cities situated within the limits of School Circuits, (as an instance the City of Toronto,) derive a proportionate benefit. Your Petitioners would, in such cases, pray your Honourable House to make it imperative upon such Cities to pay a just proportion of the expenses thus incurred in providing Teachers for such School Circuits.

3. Your Petitioners would likewise respectfully submit to your Honourable House the consideration, whether the Local Superintendents generally, would not, in all probability, be induced to discharge their duties with greater zeal and assiduity, were their tenure of office made dependent upon the pleasure of the County Councils, rather than subject to an annual appointment by those Bodies, pursuant to, the Twenty-seventh Section, sub-section three of the said Act.

4. Your Petitioners also feel desirous that the mode of distribution of the School Fund to the several School Sections should be in accordance with that prescribed by the Thirteenth Section of the repealed Act of 1846, 9th Victoria, Chapter Twenty*, that is, according to the number of children between the ages of 5 and 16 years, inhabiting such Sections, as compared with the number of such children within any Township, and not according to the average attendance in the Schools, as provided in the present Act of 1850.

5. But the primary object to which your Petitioners would humbly desire to invite the serious consideration of Your Honourable House, is the provision for the establishment of Separate Schools

*A copy of this Act is printed on pages 59-70 of the Sixth Volume of this Documentary History.

for Roman Catholics in Protestant localities, by Section Nineteenth of the same Act of 1850. This provision, Your Petitioners humbly, but most decidedly, deprecate, as injurious and baneful in the extreme to the otherwise progressively harmonizing effects of generally diffused Education. If, as Your Petitioners most respectfully submit, such concessions be consonant with, and due to those classes, all other Christian Denominations will probably apply for, and reasonably expect, to be invested with like privileges, and, in the event of concurrence therewith, the result, in the opinion of Your Petitioners, would be the prostration of the Education of the people at the shrine of Religious sectarianism, in the first place; the fostering and dissemination of unamiable feelings in society, arising from the early separation, and consequent estrangement, of the youth of the Country, in the second place; and thirdly, the exhibition of Common School Education,—not in a position in which it is appreciated on its own intrinsic merits alone, but as estimated chiefly, or merely, as a means to conduce to the prevalence, or propogation, of the peculiar tenets, or opinions, of contending, or discordant sects, or imaginary divided interests, inducing, in the end, a state of things which, by causing depreciation in the value now beginning to be set on public Education in the mind of the community, would eventually dissipate, or destroy, the bright prospects of amelioration in the carrying out of this great object, which has been so earnestly and anxiously anticipated by the Country.

6. In conclusion, Your Petitioners assure your Honourable House, that, in the event of your concurrence in the views and objects hereinbefore recited, a proportionate degree of satisfaction would be induced, which would materially diminish the effects of any influence which might, at any time, be exerted, adverse to the interests of the important subject of this Petition,—the education of the community. And Your Petitioners, as in duty bound, will ever pray.

TORONTO, 24th June, 1851. FRANKLIN JACKES, Warden, County of York.

July 9th, 1851. Pursuant to the Order of the Day, the following Petition was read: Of the Municipality of the Township of Pelham, praying for the abolition of the Rectories and the sale of the Clergy Reserves, and that the proceeds thereof be appropriated to purposes of General Education.

The Order of the Day for the Second Reading of the Bill to Incorporate the Toronto School of Medicine, being read; it was,—

Ordered, that the Bill be read a second time on Wednesday next.

The Order of the Day for the second Reading of the engrossed Bill from the Legislative Council, intituled, "An Act to Incorporate the Burlington Ladies' Academy," being read, the Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the Day for the House in Committee on the Bill to Incorporate Trinity College, Toronto, being read, the House accordingly resolved itself into the said Committee. Mr. Wolfred Nelson took the chair of the Committee; and, after some time spent therin, Mr. Speaker resumed the Chair; and Mr. Nelson reported, That the Committee had gone through the Bill, and made amendments thereunto. It was then,—

Ordered that the Report be received to-morrow.

July 10th, 1851. On motion of Mr. William H. Boulton, seconded by Mr. John McConnell, it was

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Return of the affairs of Queen's, Regiopolis and Victoria Colleges, from the first of January, 1848, to the first of January, 1851, shewing the names of the Officers of each Institution, with the date of their several appointments: the Salary attached to each Office, and the period up to which such salary has been paid: the number of Pupils in attendance at each of the said Institutions, during the same period, on the first days of January and July in each year; and the average amount paid by each Pupil annually for Education, exclusive of board and lodging; and also a similar Return where board and lodging is included.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Executive Council of this Province.

July 11th, 1851. The Order of the Day for receiving the Report of the Committee of the whole House on the Bill to Incorporate Trinity College, being read. Sir Allan N. Macnab moved, seconded by the Honourable John A. Macdonald, and the Question being proposed, That this Report be now received; The Honourable Francis Hincks moved in amendment to the Question, seconded by the Honourable James Harvey Price, That all the words after "That," to the end of the Question be left out, in order to add the words: "the Bill be now recommitted for the purpose of leaving out the words: 'and of any other Institution or,' in the Second Section, and inserting the words: 'and of a preparatory' instead thereof; and of leaving out the words: 'or any other Institution or,' in the Third Section, and inserting the words: 'a preparatory' instead thereof:"

And the Question being put on the Amendment, it was resolved in the Affirmative.

Then the main Question, so amended, being put ; it was,—

Resolved, That the Bill be now recommitted for the purpose of leaving out the words : "and of any Institution or," in the Second Section, and inserting the words : "and of a preparatory" instead thereof ; and of leaving out the words : "or any other Institution or," in the Third Section, and inserting the words : "a preparatory" instead thereof. The House accordingly resolved itself into the said Committee. Mr. Wolfred Nelson took the chair of the Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; And Mr. Nelson reported, That the Committee had gone through the Bill, and made further Amendments thereunto, and the Question being proposed, That the Report be now received ; the Honourable Robert Baldwin moved in amendment to the Question, seconded by Sir Allan N. Macnab, That all the words after "That," to the end of the Question be left out, in order to add the words : "the Bill be now again recommitted for the purpose of leaving out the words : 'and generally shall enjoy all the rights and privileges enjoyed by other Bodies, politic and corporate, recognized by the Legislature,' and inserting the words : 'and all other rights necessarily incident to a Body corporate,' instead thereof ;" And the Question being put on the Amendment, it was resolved in the Affirmative. Then the main Question, so amended, being put, it was,—

Resolved, That the Bill be now again recommitted for the purpose of leaving out the words : "and generally shall enjoy all the rights and privileges enjoyed by other Bodies politic and corporate, recognized by the Legislature," and inserting the words : "all other rights necessarily incident to a Body corporate" instead thereof. The House accordingly again resolved itself into the said Committee, Mr. Wolfred Nelson took the chair of the Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; and Mr. Nelson reported, That the Committee had gone through the Bill and made another amendment thereunto, Then the Question being proposed, That the Report be now received Mr. William Lyon Mackenzie moved in amendment to the Question, seconded by Mr. Caleb Hopkins, That all the words after "That," to the end of the Question be left out, in order to add the words : "the Bill be now again recommitted for the purpose of leaving out the words : 'or letters of Mortmain', in the second Clause thereof ;" And the Question being put on the Amendment ; the House divided, And it passed in the Negative. The Question being again put, That the Report be now received ; the House divided : and the names being called for, and they were taken down, as follow :—

YEAS—Messieurs David M. Armstrong, William Badgley, Robert Baldwin, Robert Bell, Henry J. Boulton, William H. Boulton, Thomas Boutillier, Read Burritt, George E. Cartier, Joseph Cauchon, Jean Chabot, Robert Christie, John P. Crysler, Pierre Davignon, Louis T. Drummond, A. J. Duchesnay, Thomas Fortier, Charles F. Fournier, M. Fourquin, Louis Guillet, James Hall, Francis Hincks, Benjamin Holmes, Andre Jobin, Thomas H. Johnston, Joseph Laurin, M. P. Le Sales Letellier, George B. Lyon, John S. Macdonald, John A. Macdonald, Sir Allan Napier Macnab, Edward Malloch, John McConnell, Alexander Mc Lean, William H. Merritt, Francois X. Methot, Adam H. Meyers, Jean B. Mongenais, Wolfred Nelson, Louis J. Papineau, Antoine Polette, James H. Price, William B. Richards, William B. Robinson, Tancrede Sauvageau, John Scott, William H. Scott, Benjamin Seymour, George Sherwood, Henry Sherwood, James Smith, Henry Smith, Harmannus Smith, David B. Stevenson, Joseph C. Taché and L. M. Viger : 56.

NAYS—Messieurs Caleb Hopkins and William L. Mackenzie : 2.

So it was resolved in the Affirmative.

Mr. Nelson reported the Bill accordingly ; and the Amendments were read.

Sir Allan N. Macnab moved, seconded by the Honourable John A. Macdonald, and the Question being proposed, That the amendments be now read a second time :

Mr. William Lyon Mackenzie moved, in amendment to the Question, seconded by Mr. Caleb Hopkins, that all the words after "That," to the end of the Question, be left out in order to add the words : "inasmuch as the United Church of England and Ireland has heretofore been, and now is, arrayed against the people of Upper Canada in their long continued efforts for equal Civil and Religious rights, for the supremacy of Religion over Government control, for the abolition of the Rectories, and the appropriation of the Clergy Reserves to General Education ; and, as Bills are now before this House, intended to give to that Church extraordinary powers, rights and privileges, denied to all Denominations, and virtually recognizing its establishment by the State, in this Province, it is dangerous and inexpedient to fortify and strengthen the said Church in its hostility to the rights of others, and to the liberty of the Country, by granting its request for the special incorporation of an enclusive Sectarian College for itself," instead thereof :

And a Debate arising thereupon ; and Mr. Mackenzie arising to address the House a second time on the Question, objection was made thereto. On motion of Mr. Willian Notman, seconded by Mr. Thomas H. Johnson, it was,—

Ordered, That Mr. William L. Mackenzie have leave to be again heard on the Question.

Mr. Mackenzie then again spoke to the Question, and the Question being put on the Amendment ; the House divided ; and the names being called for, they were taken down as follows :—

YEAS.—Messieurs Caleb Hopkins, and William L. Mackenzie : 2 So it passed in the negative. Then the main Question being put, it was resolved in the affirmative. And the amendments being read a second time, were agreed to. It was then,—

Ordered, That the Bill, with the Amendments, be engrossed, and read the third time on Monday next.

July 15th, 1851.—The Order of the Day for the third Reading of the engrossed Bill to Incorporate Trinity College, being read, Sir Allan N. Macnab moved, seconded by the Honourable William Badgley, and the Question being put, that the Bill be now read the third time ; the House divided : and the names being called for, they were taken down, as follows :—

NAYS.—Messieurs Caleb Hopkins, and William Lyon Mackenzie : 2. So it was resolved in the affirmative. The Bill was accordingly read the third time. It was then,—

Resolved, That the Bill do pass. It was also,—

Ordered, That Sir Allan N. Macnab do carry the Bill to the Legislative Council, and desire their concurrence.

July 16th, 1851.—Pursuant to the Order of the Day, the following Petitions were read : (1), Of the Very Reverend Archdeacon Stuart and others, Trustees of the Midland District School Society, of Kingston, praying aid for the erection and maintenance of a School House in the City of Kingston : (2), of the Municipal Council of the County of Oxford, praying that the funds arising from the Clergy Reserves and Rectories may be applied to Common School purposes.

July 18th, 1851.—Ordered, that the engrossed Bill from the Legislative Council, intituled : "An Act to Incorporate the Toronto School of Medicine," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House for Monday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery, was read as follows :—

MR. SPEAKER,

The Legislative Council have passed the Bill, intituled : "An Act to Incorporate Trinity College," without any Amendment.

TORONTO, July 18th, 1851. RENÉ E. CARON, Speaker.

July 21st, 1851.—Ordered, That the engrossed Bill from the Legislative Council, intituled : "An Act to Incorporate the Burlington Ladies' Academy," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

July 23rd, 1851.—Ordered, That Mr. William H. Boulton have leave to bring in a Bill to amend the Charter of the University of Toronto, and to constitute an University of Upper Canada in lieu thereof. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time on Monday next.*

The following is a copy of this Bill :—

BILL : AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY OF TORONTO AND TO CONSTITUTE "THE UNIVERSITY OF UPPER CANADA" IN LIEU THEREOF.

WHEREAS it is expedient that there should be a University in Upper Canada so constituted as to afford to all Denominations and classes of Her Majesty's subjects, without favouritism the means of obtaining those distinctions and evidences of proficiency in the Arts, Faculties and Sciences and in the various branches of a liberal Academical Education, to which their respective attainments may entitle them ; and,—

WHEREAS experience hath shewn that the principles embodied in Her Majesty's Royal Charter to the University of London in England, are well adapted to promote the attainment of the objects aforesaid, and would be acceptable to all classes of Her Majesty's subjects in this Province : Be it therefore enacted, etcetera.

Part of the University Act of 1849 and the Charter therein referred

That so much of the Act (of 1849), passed in the Twelfth Year of Her Majesty's Reign, intituled :

"An Act to Amend the Charter of the University established at Toronto by His Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the Upper Canada College and Royal Grammar School, forming an Appendage thereof,"

*This University Bill of Mr. Boulton's never went to a second reading, but was evidently dropped, as it did not come again before the House of Assembly.

† A copy of this Act will be found on pages 147-166 of the Eighth Volume of this Documentary History.

or of the Royal Charter therein referred to, as confers the power of granting Degrees in the Faculties of Arts, Law and Medicine on the Corporation therein mentioned and styled: "The Chancellor, Masters and Scholars of the University of Toronto," and all such parts of the said Act, or Charter, as are inconsistent with anything in this Act contained, shall be, and the same are hereby repealed; and that the said Corporation shall henceforth be called: "University College," and shall continue to be a Body Corporate, with such collegiate powers and privileges as are conferred upon it by those portions of the said Charter and Act, which remain in force after the passing of this Act; and neither such change of name, nor anything in this Act, shall be construed to make the said College a new Corporation, or to cause any action, or suit, or proceeding, in Law, or Equity, to which the said College may be a party, to cease, or be discontinued, but the same may be continued upon the suggestion of the passing of this Act, by, against, or with regard to the said College, by the corporate name hereby assigned to it, and that nothing in this Act shall be construed to apply to any portion of the Endowment of the said College, other than such as may be necessary for defraying the expenses of management of the University hereinafter constituted, or so alter, change, or vary, the present provision made for the government, or management, of its funds:

to be repeale in so far as is consistent with this Act.

New Corporation: University College.

Provided always, that nothing in this Act shall be taken to destroy the powers, or action, of the Senate of the Corporation aforesaid, hereafter to be called: "University College," except only in so far as such powers shall be inconsistent with this Act, but that the said Senate shall continue to exist under the title of: "the Council of University College," to be constituted in the manner hereinafter provided, and the Members thereof shall be appointed in the same manner and hold their seats respectively for the same term as prior to the passing of this Act, except in so far as it is herein otherwise provided; nor shall the seat of any Member of the Senate be vacated by the mere passing of this Act; and

Proviso.

Provided also, that the said College shall not be entitled to receive, or charge, fees for Degrees to be granted by the University hereinafter coustituted, and the Scholarships endowed by the College, or any County, or Counties, of Upper Canada shall, as in the manner hereinafter ordered, be open to the competition of all persons in Upper Canada.

Proviso.

II. And, for the payment of the expenses of the management of the University hereinafter constituted,

Allowance out of College funds to defray the expenses of the University.

Be it enacted, That there shall be paid and applied yearly, out of the income of the Endowment of University College aforesaid, a sum of money adequate for the purpose, and the same is hereby made an annual charge on the said income; but such annual payment shall not exceed the sum of Five hundred pounds, (£500,) and such payment shall cease at any time that such expenses of management may be provided for out of Provincial funds.

III. AND WHEREAS it is expedient to make provision for the re-constitution of the Senate of University College,

Constitution of the Council (heretofore called the Senate) of the College.

Be it enacted, That there shall be in the said "University College" a deliberative body to be called: "The Council of University College," which shall consist of the President and all the Professors of the said University College, and of six additional Members, who shall be appointed to seats in the said Council by the Crown, and such Council shall have, and exercise, such rights, powers and authority in the said "University College," as in and by the hereinbefore recited Act, (of 1849,) the Senate of the University of Toronto had and exercised under the said Act, in the said University of Toronto, save and except, where any of such rights, powers and authority may be abolished, or restricted, by this Act.

Provided that no person shall be appointed by the Crown to a seat in the said Council who could not, under the said recited Act (of 1849,) be appointed to a seat in the Senate of the said University of Toronto.

Proviso.

IV. *And be it enacted*, That there shall be at the City of Toronto, in Upper Canada, a University to be called "The University of Upper Canada," which shall be a Body Corporate and politic, and shall have perpetual succession and a Common Seal, and such other corporate powers as may be necessary to the exercise of the authority hereby vested in it, put shall not have the power of holding property, real, or personal; and the said University shall consist of one Chancellor, one Vice-Chancellor, one Pro-Vice-Chancellor, and such number of Fellows as the Governor of this Province, shall, from time to time, appoint under his Hand and Seal-at-arms, and as shall be appointed by the Senate under the power hereinafter contained; and the Governor of this Province shall be the Visitor of the said University.

University of Upper Canada Constituted.

V. The Chancellor, Vice-Chancellor Pro-Vice-Chancellor and Fellows, for the time being, shall constitute the Senate of the said University; and the Chancellor shall be appointed by the Governor in the manner aforesaid, and shall continue to hold office for three years; but no Minister, Ecclesiastic, or Religious Teacher, shall, at any time, be appointed Chancellor.

Senate Constituted.

VI. Whenever a vacancy shall occur by death, or otherwise, in the Office of Chancellor of the said University, the Governor shall nominate and appoint a fit and proper person to be Chancellor, in the stead and place of the one occasioning such vacancy.

Vacancy in the office of Chancellor.

Election of Vice-Chancellor and Pro-Vice-Chancellor.

VII. The offices of Vice-Chancellor and Pro-Vice-Chancellor of the said University shall be annual ones; and the Members of the Senate shall, at a meeting to be holden by them for that purpose, and of which due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and another to be Pro-Vice-Chancellor, who shall hold their offices for one year from the time of their election, and the Members of the Senate shall, at a meeting to be holden for that purpose, on some day within a month before the expiration of the tenure of the said office, of which meeting due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and another to be Pro-Vice-Chancellor, and so, from time to time, annually; or, in case of the death, resignation, or other avoidance, of the office of any such Vice-Chancellor, or Pro-Vice-Chancellor, before the expiration of his year of office, shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which due notice shall be given, elect one, or other, of the said Fellows to be Vice-Chancellor, or Pro-Vice-Chancellor, for the remainder of the year in which such death, resignation, or other avoidance of such office, shall happen.

Senate may fill vacancies among Fellows when their number is reduced below 24.

VIII. If at any time, by death, or otherwise, the number of Fellows shall be reduced below the number of Twenty-four, exclusive of the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor, for the time being, there, and in such case, and as often as the same shall happen, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that purpose, of which due notice shall be given, elect one, or more, fit and proper persons, firstly from among the Graduates of any University in the British Dominions, who may be resident in Canada, and next, or in case the number cannot be satisfactorily selected from among such graduates, as aforesaid, then, as the said Senate may see fit, from among men of sound learning and good standing in the said Province, to be Fellows, in addition to the then remaining Fellows, to the end that, by means of such election, the number of Twenty-four Fellows of the said University may be complete.

Majority of Senate to decide.

IX. All questions, which shall come before the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, shall be decided by the majority of the Members present, and the Chairman at any such meeting shall have a vote, and, in case of equality of votes, he shall have a second, or casting, vote.

Quorum.

X. No question shall be decided at any Meeting unless the Chancellor, or Vice-Chancellor, and Five Fellows, or, in the absence of the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, unless Six Fellows, at the least, shall be present at the time of such decision.

Chairman.

XI. At every meeting of the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, the Chancellor, or, in his absence, the Vice-Chancellor, or, in case of his absence also, then the Pro-Vice-Chancellor shall preside as Chairman; or, in the absence of both, a Chairman shall be chosen by the Members present, or the major part of them.

Appointing Officers and Servants.

XII. The said Chancellor, Vice-Chancellor, Pro-Vice Chancellor and Fellows, for the time being, shall have full power, from time to time, and as they shall see occasion, to remove all Examiners, Officers, and Servants of the said University.

Examiners to be appointed.

XIII. That once, at least, in every year, the said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, shall nominate certain Professors, or Lecturers, from amongst those belonging to the Colleges in connection with the said University, or such other men of sound learning, as they may see fit, to be the Board of Examiners of the University;

Proviso.

Provided, always, That no two Professors of the same branch of education shall be appointed to the said Board of Examiners; but the said Examiners shall be chosen in such manner as that the respective subjects of education, or learning, be fully represented in the said Board; and, at every examination, the candidates shall be examined in as many branches of Knowledge as the Senate shall consider most fitting subjects for such Examination, and as shall be declared by previous Statute to be passed by the said Senate.

What Institutions shall be in connection with the College.

XIV. And, in order to extend the benefits of Colleges and establishments already instituted in the Province for the promotion of Literature, Science and Arts, by connecting them, for such purposes, with the said University, all persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws, or Bachelor of Medicine, or Doctor of Medicine, to be conferred by the said University of Upper Canada, on satisfying the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows that such persons have, in any of the Institutions hereinafter mentioned, completed such course of instruction as the said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall, by Regulations made, as aforesaid, from time to time, determine; and the Institutions, in which such course of instruction may be completed, shall be those hereinafter mentioned, that is to say, all Universities and Colleges in Canada, or in any other part of Her Majesty's Dominions, empowered to grant Degrees in the Arts and Faculties; Upper Canada College and all other incorporated Colleges in Canada; all Colleges and Educational Institutions in connection with the University of London, in England, and also such other Institutions as now are, or shall

hereafter be, established for the purposes of education within this Province, as shall be recommended, for affiliation, to the Governor General by the Senate of the University, and so appointed by him.

Power to confer the various Degrees.

XV. The said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine, for Medical Degrees, in the branches of Medicine, Surgery, Midwifery and Pharmacy; and such reasonable fees shall be charged to the Candidates for Degrees as the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall, by Regulations, or By-laws, in that behalf, from time to time, determine.

Names of successful Candidates to be declared.

XVI. At the conclusion of every examination of Candidates for Degrees, the Examiners shall declare the name of every Candidate whom they shall deem to be entitled to any of the said Degrees, and the departments of knowledge in which his proficiency shall have been evinced, and also his proficiency in relation to other Candidates; and he shall receive from the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, a Certificate under the Seal of the University, and signed by the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, in which the particulars, so declared, shallbe stated.

Standard of acquirements not to be inferior to that of the University of London for the same degree, &c.

XVII. The Regulations to be made with respect to the Literary and Scientific attainments of Candidates for Degrees and their examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, permit, be similar to those in force for like purposes, in the University of London,—to the end, that the standard of qualification in the University of Upper Canada may not be inferior to that adopted for a like Degree, Certificate, or Honour, in the University of London.

Examiners to be sworn.

XVIII. The Examiners may be required to take the following oath of office before the Chancellor, or Vice-Chancellor, or Pro-Vice-Chancellor:—

"I swear that I will perform my duty of Examiner without fear, favour, affection, or partiality, towards any Candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all; so help me God."

Provision as to degrees in Divinity.

XIX. And, as regards Degrees in Divinity,

Be it enacted, That no one shall be admitted to any Degree in Divinity, in the said University, who has not previously taken a Degree in the Faculty of Arts in the said University, or in some other University in the British dominions, as a guarantee to the Senate of his literary attainments; and that the Degree of Bachelor, or Doctor, in Divinity shall be conferred upon such candidates, being graduates as aforesaid, as shall produce to the said Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, a Certificate of their having been examined for such Degree, and entitled thereto, by, at least, three Priests, Ministers, or Ecclesiastics, appointed for that purpose by the College in connection with the University of Upper Canada, to which the said Candidate shall belong, provided that such Certificate shall be approved by the Head of the College by which such Examiners were appointed, and sealed with the Corporate Seal of such College.

Colleges may frame their own regulations except as to standard of requirement.

XX. *And it be enacted*, That each College in connection with the said University may, according to it powers in that behalf, frame its own By-laws for its good government, internal Regulations, and other such matters, independently of the Senate of the said University provided, nevertheless, that each College shall be required to conform and comply with the standard of acquirement laid down by the said Senate, in so far as relates to Degrees in the Faculties of Arts, Law and Medicine.

Affairs to be economically administered.

XXI. The said Chancellor, Vice-Chancellor and Fellows shall regulate the expenses of the said University, with as strict regard to economy as may be consistent with its thorough efficiency, and shall endeavor so to fix the fees and allowances of the Examiners and Officers, hereafter to be appointed, as that the same may be respectively fairly proportioned to the extent and importance of the duties assigned to them; and all such fees and allowance shall be fixed by Statute.

Scholarships under Sect. 50 of 12 Vict. Chap. 82, to be Scholarships in any College connected with the University.

XXII. *And be it enacted*, That the Scholarships provided for in the Fiftieth Section of the said recited act of 1849* shall hereafter be held to be Scholarships in any College in connection with the said University of Upper Canada; and that the examination for such Scholarships shall be conducted by the Board of Examiners of the said University of Upper Canada, hereinbefore provided for; and any person who shall have obtained any such Scholarship shall immediately signify in writing to the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, of the University of Upper Canada, the name of the College, in connection with the said University, at which he intends to reside, and may then reside at and attend such College, and have and enjoy at the said College all the privileges and emoluments of the said Scholarship.

Names of successful candidates for Scholarships to be reported.

XXIII. *And be it enacted*, That the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor, of the said University, shall, without delay, report to the Council of the said University College the names of all those who shall have obtained such Scholarships upon the examinations to be had, as aforesaid, and, upon receiving such Report, the said Council of the said University College shall permit the parties, who shall have obtained the said Scholarships, to receive, and shall grant all necessary orders, and do every necessary act, to enable such parties to receive the emoluments of such Scholarships.

* This Section is printed on pages 159, 160 of the Eighth Volume of this Documentary History.

July 26th, 1851. The Order of the Day for the second Reading of the Bill to repeal the provision Limiting the Distance between the County Town and any additional Grammar School in the same County, in Upper Canada, being read, the Bill was accordingly read a second time ; and committed to a Committee of the whole House, for Monday next.

July 30th, 1851. On motion of Mr. William Lyon Mackenzie, seconded by Mr. James Smith, it was,—

Resolved, That an humble Address be presented to his Excellency the Governor General, praying that His Excellency would cause to be laid before this House, a copy of the Report, or Reports, of the Commissioners who were appointed to Inquire into the Affairs of King's College, (now the University of Toronto,) and Upper Canada College.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honourable the Executive Council of this Province.

The Honourable Francis Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, The Annual Report of the Normal, Model and Common Schools in Upper Canada, for the year 1850, by the Chief Superintendent of Education.

Ordered, That the said Report be printed in pamphlet form, under the superintendence of the Standing Committee on Printing ; and that a sufficient number of additional copies thereof be also printed, so as to furnish a copy to each Municipal Council, Local School Superintendent, County Board of Public Instruction, and School Corporation, in Upper Canada.

July 31st, 1851. The Honourable James Harvey Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, a Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 30th instant, praying His Excellency to cause to be laid before the House, a copy of the Report, or Reports, of the Commissioners, who were appointed to Inquire into the Affairs of King's College, (now the University of Toronto,) and Upper Canada College.*

The Order of the Day for the second Reading of the Bill to amend the Charter of the University of Toronto, being read ; it was,—

Ordered, That the said Order be discharged, and that the Bill be withdrawn.†

August 1st, 1851. Mr. Thomas H. Johnson, from the Committee of Supply, reported several Resolutions ; among which were the following, relating to Education :—

Resolved, That a Sum not exceeding One Thousand one hundred and eleven pounds two shillings and two pence, (£1,111. 2. 2), currency, be granted to Her Majesty, as an aid to Upper Canada College, Toronto, for the year 1851.

Resolved, That a Sum, not exceeding Five Hundred pounds, (£500,) currency, be granted to Her Majesty, as an aid to Victoria College, Cobourg, for the year 1851.

Resolved, That a Sum, not exceeding Five Hundred pounds, (£500.) currency, be granted to Her Majesty, as an aid to Queen's College, Kingston, for the year 1851.

Resolved, That a Sum, not exceeding Five Hundred pounds, (£500,) currency, be granted to Her Majesty as an aid to Regiopolis College, Kingston, for the year 1851.

Resolved, That a Sum, not exceeding One Thousand pounds, currency, be granted to Her Majesty, for the Toronto Academy, one half to be paid in 1851, and the other half in 1852.

August 2nd, 1851. Mr. William Lyon Mackenzie moved, seconded by Doctor Harmannus Smith, and the Question being put, That the Return relative to the Inquiry and the Affairs of King's College and Upper Canada College, which was presented on Thursday last, be printed in Octavo form, for the use of the Members of this House, under the direction of the Standing Committee on Printing ; the House divided : and the names being called for, they were taken down,—the result being as follows : YEAS 33 ; NAYS 6 ; So it was resolved in the affirmative.

The Honourable James Harvey Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, a Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 16th June, 1861, praying His Excellency to cause to be laid before the House, copies of all Reports made in duplicate to His Excellency by the Endowment Board of the University of Toronto, and of the Upper Canada College and Royal Grammar School, and by the Auditors of the Accounts of those Institutions, in compliance with the provisions contained in Sections Twenty-Two and Twenty-three, and Fifty-nine and Sixty of the University Act of 1849,‡ shewing the State of the

* Portions of this Report (of public interest) will be found on pages 1-50 and 202-204 of the Eighth Volume, and on pages 141-145 of this Volume of the Documentary History of Education in Upper Canada.

† This is the University Bill, which was introduced into the House of Assembly, on the 5th of June, 1851, by the Honourable Henry Sherwood of Toronto ; see page 221 of this Chapter.

‡ These Sections of the Act are printed on pages 152, 153 of the Eighth Volume of this Documentary History.

property and effects, and generally of the fiscal, or financial, affairs of the said University, Upper Canada College and Royal Grammar School, since they were established, upon principles : "to conciliate the confidence and ensure the support of all classes and Denominations of Her Majesty's subjects ;" also, copies of the Annual Reports made by the Principal of Upper Canada College and the Royal Grammar School, shewing their condition and progress, under authority of Section Fifty-five of the said Act,* or such of the said copies of Reports, as may have been received by the Government.

Ordered, That the said Return be printed for the use of the Members of this House.

August 6th, 1851. The Honourable Francis Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, the following Returns to an Address from the Legislative Assembly to His Excellency the Governor General, dated 26th June last, praying His Excellency to cause to be laid before the House, a Return shewing the annual sum payable, under the provisions of the Act 13 and 14 Victoria, Chapter 68, for interest on account of all Debentures issued on account of . . . the Normal Model Schools (and the Education Offices) at Toronto, now outstanding.

August 7th, 1851. A Message from the Legislative Council, by John Jennings Taylor, Esquire, one of the Masters in Chancery, was read, as follows :—

MR. SPEAKER,

The Legislative Council have passed a Bill, intituled : "An Act to Define and Restore certain Rights to parties therein Mentioned," to which they desire the concurrence of this House.†

TORONTO, 7th August, 1851. RENÉ E. CARON, Speaker.

August 8th, 1851. Mr. William Lyon Mackenzie moved, seconded by Mr. James Smith, and the Question being put, That the Return relative to King's College and Upper Canada College, which was presented to the House on the Thirty-first of July last, be printed in English only for the Journals of the House, and also in octavo form, as ordered by the House on the 2nd instant ; the House divided : and the names being called for, they were taken down, and the result was as follows : YEAS 11 ; NAYS 39 ; So it passed in the negative.

August 13th, 1851. The Order of the Day for the House in Committee on the engrossed Bill from the Legislative Council, intituled : "An Act to Incorporate the Toronto School of Medicine," being read ; the House accordingly resolved itself into the said Committee Mr. John P. Crysler took the chair of the Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; and Mr. Crysler reported That the Committee had gone through the Bill and made amendments thereunto.

Ordered, That the Report be now received, and that the Bill be read the third time to-morrow.

August 14th, 1851. An engrossed Bill from the Legislative Council, intituled : "An Act to Incorporate the Toronto School of Medicine," was, according to Order, read the third time.

Resolved, That the Bill, with the amendments, do pass and that the Honourable Henry John Boulton, do carry back the Bill to the Legislative Council, and acquaint their Honours that this House has passed the same, with several amendments, to which they desire their concurrence.

Ordered, That Mr. William Lyon Mackenzie have leave to bring in a Bill to amend the Nineteenth Section of the School Act of 1850 : 13 and 14, Victoria, for the Better Establishment of Schools in Upper Canada. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time on Monday next.

A copy of this Bill is as follows :—

BILL : AN ACT TO REPEAL THE NINETEENTH SECTION OF THE ACT FOR THE BETTER ESTABLISHMENT OF COMMON SCHOOLS IN UPPER CANADA.

WHEREAS the establishment of Sectarian, or Separate, Public Schools, upheld by periodical grants of money from the Provincial Treasury, and placed under the control of the Executive Government, through its Superintendents of Education, and other Civil Officers, is a dangerous interference with the Common School System of Upper Canada, and, if allowed to Protestants and Roman Catholics, cannot reasonably be refused to Episcopalians, Presbyterians, Quakers, Tunkers, Baptists, Independents and other Religious Denominations ; and Preamble.

* Ibid. page 161.

† The title of this Bill is, as here given, ambiguous. The Bill was passed to amend the Nineteenth Section of the Common School Act of 1850, which Section provided for the establishment of Separate Schools, which, by the Cameron Common School Act of 1849, was not permitted. This Bill provided, that Separate Schools for Roman Catholic children could be established "in each Ward of a City, or Town, or in two or more Wards united," etcetera. For the immediate cause of the passage of this Bill, See note to the proceedings of the House of Assembly of August 29th, 1851.

WHEREAS, if it is just that any number of Religious Sects, should have Separate Public Schools, it is not less reasonable that they should also have Separate Grammar Schools, Colleges, and Professorships in the Universities; and,—

WHEREAS it is unjust for the State to tax Protestants, in order to provide for the instruction of children in Roman Catholic doctrines, or to tax Roman Catholics for the Religious Education of youth in principles adverse to those of the Church of Rome; and as the early separation of children at School, on account of the creeds of their parents, or guardians, would rear nurseries of strife and dissension, and cause thousands to grow up in comparative ignorance, who might, under our Common School System, obtain the advantages of a moral, intellectual, literary and scientific Education; and,—

WHEREAS the repeal of the Nineteenth Section of the Upper Canada Common School Act, passed in 1850, would discourage sectarian education, and be productive of peace, harmony, and good will in neighborhoods;

Section 19 of the Common School Act of 1850 repealed.

Be it therefore enacted, . . . That the Nineteenth Section of an Act passed by the Parliament of this Province, in the Session thereof held in the Thirteenth and Fourteenth Years of Her Majesty's Reign and intituled: "An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada," be, and the same is hereby repealed.

August 16th, 1851. The Order of the Day for the House in Committee on the engrossed Bill from the Legislative Council, intituled: "An Act to Incorporate the Burlington Ladies' Academy," being read, the House accordingly resolved itself into the said Committee, and Mr. David M. Armstrong took the chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Armstrong reported That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Armstrong reported the Bill accordingly; and the amendment was read, as followeth:—

Press 2, line 13. After "provided", insert Clause (A,) as follows:—

"*And be it enacted*, That it shall be the duty of the said Corporation, at all times, when they may be called upon to do so by the Governor of this Province, to render an Account, in writing, of their property and affairs, in which shall be set forth in particular the income by them derived from property held under this Act, and the means by which the same has been acquired; also, the number of Members of the said Corporation, the number of Teachers employed in the various branches of instruction, the number of scholars under instruction, and the course of instruction pursued."

The said Amendment being read a second time was agreed to, and it was,—

Ordered, That the Bill be read a third time on Monday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery was read, as follows:—

MR. SPEAKER,

The Legislative Council have agreed to the Amendments made by this House to the Bill, intituled "An Act to Incorporate the Toronto School of Medicine," without any amendment.

TORONTO, August 16th, 1851. RENÉ E. CARON, Speaker.

August 21st, 1851. The Order of the Day for the third reading of the engrossed Bill from the Legislative Council, intituled: "An Act to Incorporate the Burlington Ladies' Academy" being read; it was ordered, That the Bill be read the third time on Monday next.

August 25th, 1851.—The Order of the Day for the House in Committee on the Bill to repeal the provision Limiting the Distance between the County Town and any additional Grammar School in the same County, in Upper Canada, being read; the House accordingly resolved itself into the said Committee. Mr. William Notman took the chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Notman reported That the Committee had gone through the Bill, and made an amendment thereunto. It was, therefore, ordered that the Report be now received. Mr. Notman reported the Bill accordingly; and the amendment was read, and agreed to. It was then ordered that the Bill, with the amendment, be engrossed, and read the third time to-morrow.

August 27th, 1851.—On motion of Mr. Robert Christie, seconded by Mr. John Prince, it was,—

Resolved, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that a favourable opportunity offering for obtaining from the Public Archives of Great Britain, France, and other places in Europe, such Documents relating to the early Colonial History of Canada as may be wanting to complete the series of Records already obtained on the subject, this House, therefore, prays that His Excellency may be pleased to take such measures as he may deem expedient to procure copies of all such Documents on this subject, as may be selected by the Agent, who is to be sent to Europe for the purpose of purchasing Books for the reconstruction of the Parliamentary Library; and assuring His

Excellency that this House will make good such expenses as may be incurred in the furtherance of this important object.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honourable the Executive Council of this Province.

An engrossed Bill to repeal the provision Limiting the Distance between the County Town and any additional Grammar School in the same County, in Upper Canada, was, according to Order, read the third time, and it was resolved that the Bill do pass, and that Mr. James Smith do carry the Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill from the Legislative Council, intituled: "An Act to Incorporate the Burlington Ladies' Academy," was, according to Order, read the third time, and it was resolved that the Bill, with the Amendment, do pass. It was then ordered that the Honourable William Badgley do carry back the Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same, with an Amendment, to which they desire the concurrence of their Honours.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery, was read, as follows :—

Mr. SPEAKER,

The Legislative Council have agreed to the Amendment made by the House to the Bill, intituled · "An Act to Incorporate the Burlington Ladies' Academy," without any amendment.

TORONTO, 27th April, 1851. RENÉ E. CARON, Speaker.

August 28th, 1851. A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery, was read, as follows :—

Mr. SPEAKER,

The Legislative Council have passed the following Bill, without Amendment, namely :— A Bill, intituled : "An Act to repeal the provision Limiting the Distance between the County Town and any additional Grammar School, in the same County, in Upper Canada."

TORONTO, 28th August, 1851. RENÉ E. CARON, Speaker.

August 29th, 1851. The Order of the Day for the second reading of the engrossed Bill from the Legislative Council, intituled : "An Act to Define and Restore certain Rights to Parties herein mentioned," being read, the Honourable Francis Hincks moved, seconded by Mr. Joseph C. Taché, and the question being proposed, that the Bill be now read a second time ; Mr. William Lyon Mackenzie moved in amendment to the question, seconded by Mr. John Wilson that the word "now" be left out, and the words : "this day six months" added at the end thereof ; and the question being put on the amendment, the House divided with the following result : YEAS 4 ; NAYS 24 ; so it passed in the negative.

Then the main motion being put it was resolved in the affirmative, and the Bill was accordingly read a second time.

The Honourable Francis Hincks moved, seconded by Mr. Louis T. Drummond, and the question being proposed that the Bill be now read the third time, and the Rules of the House be suspended as regards the same ; Mr. William Lyon Mackenzie moved, in amendment to the question, seconded by Mr. James Smith, that all the words after "that," to the end of the question be left out in order to add the words : "all the words after "Whereas," in the [Bill introduced into the House of Assembly by the mover, on the 14th of this month of August, as an amendment to the Nineteenth Section of the Common School Act of 1850.] (See page —).

And the question being put on the amendment, the House divided—the Yeas and Nays being as follows : YEAS 5 ; NAYS 26 ; so it passed in the negative. Then the main motion having been put, it was resolved in the affirmative. The Bill was, accordingly, read the third time.

The Honourable Francis Hincks moved, seconded by Mr. Louis T. Drummond, and the question being put, that the Bill do pass ; the House divided with the following result ; YEAS 25 ; NAYS 7 ; so it was resolved in the affirmative.

Ordered, That the Honourable Francis Hincks do carry back the Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same without any amendment.

CAUSES WHICH LED TO THE PASSING OF THIS REMEDIAL ACT.

A difficulty occurred, in 1851, in regard to the operation of the Nineteen Section of the School Act of 1850, which necessitated the interference of the Chief Superintendent of Education in favour of the Roman Catholic Separate

School Trustees of the City of Toronto. In a letter to the Honourable George Brown, in 1858, Doctor Ryerson thus states the nature of that difficulty, and the remedy for it, as follows :—

"In the latter part of 1850, certain Roman Catholics applied for a second Separate School in the City of Toronto. The Board of School Trustees rejected their application, upon the ground that the Nineteenth Section of the School Act of 1850 did not require them to permit the establishment of more than one Separate School in the City. The applicants appealed to the Court of Queen's Bench, to compel the Board of School Trustees to grant their request. The Court decided that,—

"According to the letter and grammatical construction of the Act, a City, or Town, was only a School Section, and the Trustees could not, therefore, be compelled by law to grant more than one Separate School, whatever might have been the intention of the Legislature."

Doctor Ryerson then goes on to say,—

"That [the Roman Catholic] supporters of the Ministry of that day . . . sought a Legislative remedy for a defect in the law, and applied in the proper quarter for that purpose. Mr. Hincks declined taking their complaint into consideration, without consulting me, I being then absent in the United States and England, making the first selection of Books for the Public Libraries, and arrangements for procuring them. On my return in June, 1851, Mr. Hincks gave me the papers, and referred the Roman Catholic Bishop [Charbonnel] and Vicar-General [Macdonell] to me. I could not for a moment admit the Draft of the Bill they had prepared ; but stated frankly, that I had not intended to deprive them of any rights as to Separate Schools which had been conferred on them by the Act of 1846 ; that I had never anticipated, or thought of, the construction of the 19th Section of the Act, which had been put upon it by the Court of Queen's Bench ; that, by the Act of 1846 Cities and Towns were divided into School Sections as well as Townships ; that the City of Toronto, under the Act, was divided into fourteen School Sections, in each of which there might be a Separate School, according to the conditions of the law. But, I asked them, as there were now no School Sections in the Cities and Towns, whether the right of having a Separate School in each Ward would not be sufficient ? They answered in the affirmative ; whereupon, I wrote a Draft of an Act for that purpose, and they expressed their entire satisfaction with it.*

"By request, I afterwards met the greater part of the Members of the House, at an appointed time, and explained to them the position of the Separate School Question, and what I thought best to be done under the circumstances. The Honourable John Ross brought into the Legislative Council the Bill "to restore certain Rights," etcetera, of which I had prepared the Draft. It soon passed both Houses, and became law."

[The Upper Canada Members voting for it were : Baldwin, Bell, W. H. Boulton, Hincks J. A. Macdonald, Meyers, Prince, Sherwood, and Stevenson—9. Lower Canada Members, 16 ; total, 25. Those opposed to the Bill were : Hopkins, Mackenzie, McFarlane, J. C. Morrison, James Smith and J. Wilson—7, all from Upper Canada.]

"Its operations are confined to Cities and Towns : the very wording of it shows that it was no innovation, no concession ; but a restoration of rights previously enjoyed."

Mr. William Lyon Mackenzie's Anti-Separate School Bill, 1851.

The two untoward circumstances,—the unauthorized omission of all provision for Separate Schools in Mr. Macolm Cameron's School Act, of 1859, and the inability of the Trustees to establish more than one Separate School in the City of Toronto, in 1850, as decided by the Court of Queen's Bench, acted unfavourably upon the leaders of the Roman Catholic Church, and created a feeling of distrust and uncertainty on the part of Roman Catholics generally.†

*Thus, in a letter to Doctor Ryerson, from Bishop Charbonnel, dated 27th June, 1851, he said : "Very Reverend and Dear Doctor, I regret very much not to be able to attend the meeting [of the Council of Public Instruction] this morning ; I leave to-day for London ; but I will be back for the solemn ceremony of Wednesday [2nd July—the day on which the corner-stone of the Normal School Building was laid, and at which the Bishop was present and took part in the ceremony].

"I see, with full hope, that the redress of the wording of the clause in behalf of the City Catholic Separate Schools [Toronto] is in your hands and heart, and if Canada East has for Superintendent a Doctor *Meilleur*, owning to the sincere liberality of our Government, and its Superintendent for the West, our condition for the education of our dear children will become good and *better*. Respectfully and devotedly yours in Christ,

"Armandus, *Fr. My. R.C. Bishop of Toronto.*

†In a Letter on this subject, which I received from the Reverend Doctor Ryerson, then in France, he said :—"I am glad of the decision of the Judges on the subject of the Separate Schools. The Roman Catholics have continued to use the Nineteenth Section of the School Act in a very different way, from which was intended . . . I suppose the late proceedings of the Pope and of the Bishops in regard to separate education in Ireland have prompted this change. The decision of the Judges affords them due protection. . . ."

What also kept this feeling of suspicion and unrest, on the part of the Roman Catholic authorities, alive, was the constant efforts of prominent members of the House of Assembly, from 1851 to 1856, to repeal the Nineteenth Section of the School Act of 1850. Generally, these gentlemen contented themselves with the introduction of a brief Bill, simply declaring that—

"The Nineteenth Section of the School Act of 1850 shall be, and is hereby, repealed."

Mr. Mackenzie, however, in his Bill of August, 1851, gives his reasons for doing so, in the preamble, as will be seen by referring to it on page 237 of this Chapter.

Mr. Mackenzie moved this Bill as an amendment to the Remedial Act of 1851. His amendment was rejected by a vote of 26 to 5, and the Bill was finally passed by the House of Assembly by a vote of 25 to 7. See page 239 of this Chapter.*

NOTE. The foregoing is taken from pages 53-56 of the "*Legislation and History of Separate Schools in Upper Canada from* 1841 *to* 1876," By. J. George Hodgins, M.A. LL.D. Published by William Briggs, 29-33 Richmond Street West, Toronto, 1897.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF CANADA, 1851.

NOTE. For reference to the proceedings at the opening of this Session of the Parliament of Canada, on the 20th of May, see page 221 of this Chapter.

May 22nd, 1851. The Honourable Mr. Speaker, René E. Caron, presented a Petition from the Municipal Council of the United Counties of Stormont, Dundas, and Glengarry praying for certain amendments to the Upper Canada Common School Act of last Session.

May 26th, 1851. The Honourable John Ross presented a Petition from Doctor Alexander Burnside and others, Members of the United Church of England and Ireland, in the Diocese of Toronto; praying to be incorporated under the name and style of Trinity College.

The Order of the Day being read for moving the House, that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to be caused to lay before this House a copy of the Charter applied for to Her Majesty's Principal Secretary of State for the Colonies, by the Right Reverend and Honourable the Bishop of Toronto, for a College, or University, for the exclusive use of Members of the Church of England in Upper Canada, together with a copy of the Petition, and of the Correspondence which accompanied and has reference to the same,—it was

Ordered, That it be discharged, and that the said Motion do stand upon the Orders of the Day for Monday next.

June 2nd, 1851.—The Honourable Doctor Christopher Widmer presented a Petition from Doctor John Rolph and others, Licentiates in Medicine, praying that the Toronto School of Medicine may be incorporated.

The Honourable Etienne P. Taché presented two Petitions from the Right Reverend Joseph E Guigues, Roman Catholic Bishop of Bytown and others, inhabitants of Bytown aforesaid, praying for pecuniary aid for the College of that name.

Pursuant to notice, it was moved that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a Copy of the Charter applied for by the Right Reverend and Honourable the Bishop of Toronto, for a University, or College, for the Members of the Church of England, together with a copy of the Petition accompanying the same, and of the Correspondence relating thereto. It was then moved, in amendment, that after "thereto," at the end of the original Motion, there be added, "also, the Charter, as amended by certain of the Clergy and Laity of the Diocese of Toronto, and approved by the Lord Bishop."

The question of concurrence being put thereon, the same was agreed to by the House. The question being then put on the main Motion, (as amended,) it was resolved in the affirmative, and ordered accordingly. It was farther,—

*Several Papers on the Separate School Question will be found in a subsequent Chapter of this Volume.

Ordered, That such Members of the Executive Council as are Members of this House, do wait on His Excellency the Governor General with the said Address.

Ordered, That the Petition from Doctor Alexander Burnside and others, Members of the United Church of England and Ireland, in the Diocese of Toronto, (presented to this House on the 26th of May last,) praying to be incorporated under the name and style of "Trinity College," be now read, which said Petition was read by the Clerk accordingly.

The Honourable Alexander Fraser presented a Petition from the Municipal Council of the United Counties of Stormont, Dundas and Glengarry, praying for certain amendments to the Common School Act of 1850.

June 4th 1851.—The Honourable Samuel Mills presented a Petition from Mr. George S. Tiffany and others, praying that an Act may be passed to Incorporate the Burlington Academy under and by the name of "The Burlington Ladies' Academy."

June 6th, 1851.—The Honourable James Gordon presented a Petition from the Right Reverend Doctor Strachan, Bishop of Toronto, on behalf of the Clergy and Laity of the Church of England and Ireland in the Diocese of Toronto, in Conference assembled at the Visitation of His Lordship, holden on the first and second days of May, praying for the establishment of Separate Common Schools, for the use of the Children of the Members of the Church of England.*

The Honourable James Leslie, Secretary of the Province, by command of His Excellency the Governor General, presented to the House the Return of an Address of the Legislative Council to His Excellency, dated 2nd instant, praying that His Excellency would be pleased to be caused to be laid before the House, a copy of the Charter applied for by the Right Reverend and Honourable Doctor Strachan, Bishop of Toronto, for a University, or College, for Members of the Church of England, together with a copy of the Petition accompanying the same, and of the Correspondence relating thereto; also the Charter, as amended by certain of the Clergy and Laity of the Diocese of Toronto, and approved by the Lord Bishop.†

Ordered, That the Petition presented to this House on the fourth day of June, instant, from Mr. George S. Tiffany and others, praying that an Act may be passed Incorporating the Burlington Ladies' Academy, be referred to a Select Committee of three Members.

June 9th, 1851.—The Honourable Etienne P. Taché presented to the House a Bill, intituled: "An Act to Incorporate the Toronto School of Medicine."

The said Bill was read for the first time, and it was,—

Ordered That the said Bill be read the second time on Thursday, the Nineteenth day of June, instant.

It was moved that Three Hundred Copies be printed in English, of the Charter, Petition and Correspondence connected with the Charter applied for by the Right Reverend and Honourable Doctor Strachan, Bishop of Toronto, to Her Majesty's Principal Secretary of State for the Colonies, as communicated to this House by Message from His Excellency the Governor General.

In amendment it was moved, that after the word "General," to insert the words "and also, Three Hundred Copies of the original Charter, as amended by certain of the Clergy and Laity of the Church of England and approved by the Bishop."

In amendment to this amendment, it was moved, that after the word "England," to insert the words: "to be printed separately;" Which being objected to; and, after debate,

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* The Resolution of the Church of England Synod of the Diocese of Toronto, on which the foregoing Petition was founded, is as follows:—

"That this Meeting desires to express its sense of the paramount duty of connecting religion with secular education; and, in order to carry out this obligation, they deem it to be necessary to petition the Colonial Legislature to permit the establishment of separate Church Schools; and that the assessments ordinarily paid by Churchmen for the support of Common Schools be applied to the maintenance of such as are in connection with the Church, where such appropriation if practicable and desired; and that the Committee aforesaid be empowered to draft the Petition." Session of 1851, page 12.

Later on in the same year the various Bishops of the Church of England then in Canada adopted a "Declaration" of principles for their future joint action and guidance. In that Declaration was the following relating to Education generally:—

"Whereas systems of education are very generally introduced and supported in these Colonies, either (1) excluding religious education altogether from the Schools, or (2) recognizing no distinction between Roman Catholics and Protestants; whereby no opportunity is afforded us of bringing up the children of our communion in the special doctrines and duties of our faith, to the manifest depravation of their religious principles, and with crying injustice to the Church of England, we desire to express our decided convictions: 1. That all education for the Members of our Church should be distinctly based on the revealed Religion of the Old and New Testaments, with special reference to their duties and privileges as by baptism regenerate, and made God's children by adoption and grace. 2. That all lawful and honourable methods should be adopted to move the Colonial Legislatures to make grants to the Church of England, as well as to the Roman Catholics, and other Religious Bodies, as they may require it, and according to their numbers respectively, for the education of the Members of their own Communion."

This Declaration was signed by the Bishops of Quebec, Toronto, Newfoundland, Fredericton and Montreal.

† These Documents, relating to the year 1851, so far as available, will be included in a subsequent Chapter of this Volume. Those relating to the year 1850 will be found on pages 91-117 of this Volume.

The question of concurrence was put thereon, and the same was resolved in the affirmative.

The question being then put on the amendment, as amended, it was resolved in the affirmative. The question being also put on the main motion, as amended, it was resolved in the affirmative, and ordered accordingly.

June 17th, 1851.—The Honourable Samuel Mills, from the Select Committee to whom were referred the Petition from Mr. George S. Tiffany and others, praying that an Act may be passed Incorporating the Burlington Academy, under and by the name of the "Burlington Ladies' Academy;" reported that they have examined the matter of the said Petition, and see no reason why a Bill founded on the same should not be introduced into your Honourable House. It was then,—

Ordered, That the said Report be received, and the same was read by the Clerk and the said Report was adopted.

The Honourable Samuel Mills then presented to the House a Bill, intituled: "An Act to incorporate the Burlington Ladies' Academy." The said Bill was read for the first time, and it was,—

Ordered, that the said Bill be read the second time on Monday next.

June 18th, 1851. Ordered, That the Order made on the Ninth instant, for a second reading of the Bill, intituled: "An Act to Incorporate the Toronto School of Medicine," be discharged, and that the said Bill do stand for a second reading on the Orders of the Day for Friday next.

The Honourable John Ross presented a Petition from Mr. Michael Brennan and others, inhabitants of Belleville, praying that the Common School Act of Upper Canada may be so amended, as to allow of the establishment of Separate Schools for the children of Roman Catholics;* also, two Petitions from the University of Queen's College at Kingston, praying for a grant of money towards the support of the said Institution; and praying for pecuniary aid towards the support of the Grammar School connected with the said University.

June 20th, 1851. The Order of the Day being read for a second reading of the Bill, intituled: "An Act to Incorporate the Toronto School of Medicine," it was moved that the Forty-ninth rule of this House be dispensed with, in so far as it relates to the said Bill, and that the same be now read for the second time. The question of concurrence being put thereon, it was resolved in the affirmative, and the said Bill was then read a second time accordingly.

Ordered, That the said Bill be engrossed, and the same read a third time on Monday next.

June 23rd, 1851. The Order of the Day being read for a third Reading of the Bill, intituled: "An Act to Incorporate the Toronto School of Medicine," it was,—

Ordered, That the same be discharged until to-morrow.

Pursuant to the Order of the Day, the Bill intituled: "An Act to Incorporate the Burlington Ladies' Academy," was read a second time. It was ordered that the Bill be referred to the following Select Committee of three Members, Messieurs James Crooks, Dunbar Ross and Samuel Mills, to meet and adjourn as they please.

June 24th, 1851.—The Honourable J. Æmelius Irving presented a Petition from Mr. George Cadogan and others, of the Townships of Walpole and Rainham, praying that the Revenues arising from the sales of the Clergy Reserves may be applied to Educational purposes.

The Honourable Samuel Mills, from the Select Committee to whom was referred the Bill, intituled: "An Act to Incorporate the Burlington Ladies' Academy," reported that they had gone through the said Bill, and had directed him to report the same with an Amendment, which he was ready to submit whenever the House would be pleased to receive it.

Ordered, That the Report be now received, and the said Amendment was then read by the Clerk. The said Amendment being read a second time, and the question of concurrence put thereon, the same was agreed to by the House. It was then,—

Ordered, That the said Bill, with the Amendment, be engrossed, and the same read a third time to-morrow.

Pursuant to the Order of the Day, the Bill. intituled, "An Act to Incorporate the Toronto School of Medicine," was read a third time. The question was put, whether this Bill shall pass? It was resolved in the affirmative.

Ordered, That one of the Masters in Chancery shall go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill, to which they desire their concurrence.

*The Petition from Mr. M. Brennan, presented to the House of Assembly on the 20th June, states that its object was to have the School Law of 1850 so amended as "to provide more effectually for Separate Schools in certain cases," which object was a definite one, and not as expressed in the above Petition See Proceedings of House of Assembly of the 29th of August, page 239. The note on that page will doubtless explain the real object of the Petition which was to obtain the right to establish Separate Schools in any, or all of the Wards of a City, or Town.

June 25th, 1851. Pursuant to the Order of the Day the Bill intituled : "An Act to Incorporate the Burlington Ladies' Academy" was read a third time. The question was put, whether this Bill shall pass? It was resolved in the affirmative.

June 26th, 1851. The Honourable James Leslie, Provincial Secretary, by command of His Excellency the Governor General, presented to the House a Supplementary Return to the Address of the Legislative Council, dated 2nd instant, praying His Excellency to cause to be laid before this House a copy of the Charter applied for by the Right Reverend and Honourable John Strachan, Bishop of Toronto, for a University, or College, for Members of the Church of England, together with a copy of the Petition accompanying the same, and of the correspondence relating thereto; also the Charter as amended by certain of the Clergy and Laity of the Diocese of Toronto and approved by the Lord Bishop.*

July 8th, 1851. The Order of the Day being read for moving, pursuant to notice, that it be resolved that an humble Address be presented to His Excellency the Governor General, thanking His Excellency for having communicated to this House the Charter applied for by the Right Reverend and Honourable the Bishop of Toronto to Her Majesty's Secretary of State for the Colonies, for the sole use of the Church of England in this Province, connected with the Correspondence connected therewith; as also for the subsequent Correspondence, and an amended Charter, applied for by the Bishop of Toronto, on withdrawing the original Charter;

2. And that this House fully and entirely concurs in the Comprehensive views so ably expressed by His Excellency, both in his Letters to Earl Grey and the Bishop of Toronto upon the various and important matters connected therewith; and that whilst this House expresses its readiness to co-operate in carrying out the views of His Excellency, thus set forth, and the reasonable requirements of the Bishop of Toronto, to obtain corporate powers for the intended College, so as to enable it to hold property and become, in other respects, effective, this House feels called upon, at the same time, to express its earnest hope that Her Majesty's Government will not extend those powers to the prejudice of the [Provincial] National University, by granting a Charter to the said College to confer Degrees in Arts and Sciences,—the inexpediency of which has been so clearly demonstrated by His Excellency; but that the powers of such a Charter, when granted, may be limited to conferring Degrees in Divinity;

3. And that this House is further desirous of assuring His Excellency, that, anxiously as it wishes to see every benefit and privilege enjoyed by other Denominations, fully extended to Members of the United Church of England and Ireland in this Province, it is of opinion they would, so far as Academic Education is concerned, be best secured for this Church, as well as for all others, by their becoming affiliated with the [Provincial] National University for the purposes of instruction in the Arts and Sciences, reserving Religious Instruction to the exclusive direction of each Denomination, in accordance with a Statute recently passed by the Visitatorial Commission of the Toronto University, appointed by His Excellency, and which clearly points out the manner in which such Religious Instruction may be given;

4. And this House desires to express its confident hope, that, if the luminous exposition of His Excellency upon this all important subject was brought under the deliberate consideration of a free Convocation of the Clergy, and Laity of the United Church of England and Ireland, [in this Province], as proposed to be assembled by the Bishop of Toronto, a speedy and satisfactory result would at once ensue, in so far as the said Church is concerned.

And the said Resolutions, being read by the Clerk, it was moved to adopt the first paragraph thereof. In Amendment it was moved to substitute the following Address to the Queen, instead of the foregoing Resolutions :—

To Her Most Gracious Majesty the Queen :

We, Your Majesty's Dutiful and Loyal Subjects, the Legislative Council of Canada, in Provincial Parliament assembled, humbly beg leave to represent to your Majesty, that the Members of the Church of England in the Diocese of Toronto have taken measures for erecting a College in connection with their Church, which is intended to be supported wholly by voluntary contributions, and in which they desire that their youth may be educated, in accordance with the doctrines of their Religion. They have petitioned the Legislature, during the present Session, for an Act of Incorporation, in order that they may more conveniently manage the affairs of the Institution; and it has been represented to us, that they also desire to obtain from Your Majesty a Royal Charter, such as has been granted to other Religious Denominations in Canada, with power to confer Degrees in the Arts and Sciences.

We pray that Your Majesty may be graciously pleased to favour this application, as it appears to us necessary to the quiet contentment of a large body of Your Majesty's faithful Subjects, and will be only granting to them what has been freely conceded, without any opposition, or complaint, on the part of Members of the Church of England, but with their ready concurrence, to other Religious Communities in Canada

* These Documents, relating to 1851, so far as available, will be inserted in a subsequent Chapter of this Volume. See Note on page——.

Which being objected to, after a long debate. The question of concurrence was put thereon, and the same was resolved in the negative. The question being then put on the main motion, it was resolved in the affirmative.

It was then moved to adopt the second paragraph of the said Resolutions.

In amendment, it was moved to expunge the whole of the Resolution after the word "Charter," at the end of the first paragraph, and to insert in lieu thereof the words following :— "and that this House fully acquiesces in the view which His Excellency the Governor General, in concurrence with the Imperial Government, has adopted respecting the powers and privileges, which, under existing circumstances, it is expedient to concede to Trinity College, Toronto, and which are also limited by the Petition lately presented to this House on behalf of the said College, to a grant of the usual facilities for managing its property and affairs,"

Which being objected to, after debate, The question of concurrence was put thereon, and the same was resolved in the negative.

It was then moved that, after the word "that," in the seventh line, the remainder of the second paragraph be expunged, and the following words inserted in lieu thereof :—"means may be devised to satisfy the just demands of the Church of England [in Canada], without sanctioning a principle which would enable each Denomination of Christians in the Province to obtain a Royal Charter for an exclusive University, having power to confer Degrees in the Arts and Sciences. Which being also objected to, after debate, The question of concurrence was put thereon, and the same was resolved in the affirmative.

The question being then put on the main motion, (as amended,) it was resolved in the affirmative. It was then moved to adopt the third paragraph of the said Resolution. In amendment it was moved in line five, to leave out the word "National," and insert, in lieu thereof, "Provincial," and after "University," and to leave out the remainder of the paragraph. Which being objected to, The question of concurrence was put thereon, and the same was resolved in the affirmative. The question being then put on the main motion, (as amended,) it was resolved in the affirmative. It was then moved to adopt the fourth paragraph of the said Resolution. Which being objected to, the question of concurrence was put thereon, and the same was resolved in the affirmative. It was then,—

Ordered, That the Honourable Messieurs Peter Boyle de Blaquière, Adam Fergusson, George J. Goodhue and James Ferrier be appointed a Committee to draft an Address, founded on the foregoing Resolutions, (as amended.)

July 9th, 1851.—The Honourable Peter Boyle de Blaquière, from the Select Committee appointed to draft an Address to His Excellency the Governor General, founded on the Resolutions adopted yesterday, on the subject of a University for the sole use of Members of the Church of England, reported an Address prepared by them as follows :—

To His Excellency the Right Honourable The Earl of Elgin and Kincardine, Governor General of British North America.

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of the Province of Canada, in Parliament assembled, humbly beg leave to thank your Excellency for having communicated to this House the Charter applied for by the Right Reverend and Honourable John Strachan, Bishop of Toronto, to Her Majesty's Secretary of State for the Colonies, for the sole use of the Church of England in this Province, together with the Correspondence connected therewith ; as also for the subsequent Correspondence and an amended Charter applied for by the Bishop of Toronto on withdrawing the original Charter.

2. And we beg leave to assure Your Excellency, that this House fully and entirely concurs in the comprehensive views so ably expressed by Your Excellency in your Letters to Earl Grey, Colonial Secretary, and to the Bishop of Toronto, upon the various and important matters connected therewith. And, whilst this House expresses its readiness to co-operate in carrying out the views of Your Excellency, thus set forth, and the reasonable requirements of the Bishop of Toronto to obtain corporate powers for the intended College, so as to enable it to hold property and become, in other respects, effective, this House feels called upon, at the same time, to express its earnest hope, that means may be devised to satisfy the just demands of the Church of England, without sanctioning a principle which would enable each Denomination of Christians in the Province to obtain a Royal Charter for an exclusive University, having power to confer Degrees in the Arts and Sciences.*

3. And this House is further desirous of assuring Your Excellency, as anxiously as it wishes to see every benefit and privilege enjoyed by other Denominations fully extended to the Members of the United Church of England and Ireland in this Province, it is of opinion that they

* Nevertheless the usual practice had been to grant these Charters in Upper Canada, and in Ontario, as a matter of course.

would, as far as Academic Education is concerned, be best secured for this Church, as well as for all others, by their becoming affiliated with the Provincial University.*

4. And this House desires to express its confident hope, that, if the luminous exposition of Your Excellency upon this all important subject, was brought under the deliberate consideration of a free Convocation of the Clergy and Laity of the United Church of England and Ireland [in this Province], as proposed to be assembled by the Bishop of Toronto, a speedy and satisfactory result would, at once, ensue, in so far as the Church is concerned.

Which said Address being read by the Clerk, it was moved to adopt the same. Which being objected to, the question of concurrence was put thereon, and the same was resolved in the affirmative.

DISSENTIENT:

First. Because we do not think that the views of the Goverment, as expressed in the printed Correspondence referred to in the proposed Address, are such as can be expected to appear just and satisfactory to the Members of the Church of England in this Province, who are a numerous and respectable class of our fellow subjects.

Second. Because we cannot join in characterizing as comprehensive and able, what we believe must be looked upon generally as illiberal, short-sighted and unjust.

Third. Because we believe, that, when the British Government first sanctioned the making a large Reservation of Land in Upper Canada to form an endowment for a University, they contemplated no other description of University than one in which Religious Instruction should be given, and Degrees in Divinity conferred, in accordance with the Doctrines of the National Church, (of England), there having been no University ever founded by the Crown up to that time on any other principle, and the University of King's College in New Brunswick having been just before founded by Royal Charter, and, as a matter of course, on the same principle.†

Fourth. That when, after many years of agitation by the Members of other Religious Communities combined, the Charter of King's College was (in 1849,) destroyed, and its Endowment taken from it and applied to the foundation of another College,—from which all instruction in the Doctrines of the Church of England is excluded,—it seems extremely oppressive and ungenerous to deny to the Members of the Church of England the same right which the Crown and Colonial Government and Legislature freely conceded to other Religious Communities, of applying their own funds, to the support of a College, in which their youth may obtain Degrees in the Arts and Sciences, and, at the same time, be instructed in the Doctrines of their Religion.

Fifth. Because further, the Members of the Church of England have never shown so illiberal a spirit towards other Religious Denominations, but have always cheerfully united in the Legislature in conferring such privileges upon them, and have offered no opposition in any other manner to so reasonable a wish.

Sixth. Because, when Members of the Church of England see efforts made to induce their Sovereign to place them on grounds more disadvantageous than that of other portions of the population, they will unavoidably be under the impression that, either from inattention to their claim to equal justice, or from some cause, even more censurable, their Government is lending itself to a design to injure and oppress them, and that discontent may be thus engendered, which it should be the object of the Government to prevent, or remove.

Seventh. Because the Correspondence, to which reference has been made in the Address, appears to us to be intended to elicit from Her Majesty a decision unfavourable to the Church of England, [in Canada], on very unfair grounds, by insinuating that the Government of this Province has the means of indirectly compelling the Members of other Religious Communities to surrender their College Charters, because, without public aid, they are unable to maintain their Colleges, and that, if that is done, the Government can then, with less difficulty, refuse to Charter a Church of England College, but that, if a Charter be, in the meantime, granted to the Members of the Church of England, then their negotiations with the other Religious Bodies may be defeated, and the monopoly of Education, which the Government desires to secure to a University, in which the Doctrines of no Church whatever are inculcated, will be firmly established.

Eighth. Because there is, in their opinion, no ground for the confident hope which this House has expressed, that, if the matter in question "were brought under the consideration of a free Convocation of the Clergy and Laity of the United Church of England and Ireland in this Province," a decision hostile to the wishes and claims of the friends of the University connected with that Church would be the result; on the contrary, the only evidence which exists should

* It is now, (in 1902), proposed by the present Authorities of the College which the Bishop founded in 1851 to affiliate it with the Provincial University.

† For the particulars as to the granting of a Charter for the University of King's College in New Brunswick, See pages 67, 71, 76 and 204 of the Third Volume of this Documentary History.

make a directly opposite impression; for, in regard to the first,—that is, the Clergy,—out of one hundred and fifty, it is known that one hundred and thirty Members of that Body attended on the occasion of laying the Foundation Stone of Trinity College, thus giving to its inauguration their presence and approval; and, in respect to the second,—that is the Laity,—they have not only not petitioned this House against the Institution which the Bishop of Toronto has sought to establish, but they have publicly declared in a free assembly that Religion ought to be inseparable from Secular Education.

Ninth. Because we believe that a policy founded on such principles can never be long upheld in a free Country.

GEORGE S. BOULTON.
JAMES GORDON.
JOHN MACAULAY.

LEGISLATIVE COUNCIL,
Toronto, 9th July, 1851.

Ordered, That the foregoing Address to Her Majesty the Queen be engrossed, and signed by the Speaker on behalf of this House. It is further,—

Ordered, That the said Address be presented to His Excellency by such Members of the Executive Council who are Members of this House.

July 11th, 1851. The Honourable James Leslie, Provincial Secretary, reported that he had, according to order, waited on His Excellency the Governor General with the Address of this House of Wednesday last, to Her Majesty the Queen, on the subject of a University for the sole use of Members of the Church of England, [in Canada], and that His Excellency had been pleased to receive the same graciously.

The Honourable John Macaulay presented a Petition from the Trustees of the Midland District School Society, Kingston, praying for pecuniary aid in support of the said Society.

July 16th, 1851. A Message was brought from the Legislative Assembly by the Honourable William Badgley and others, with a Bill intituled: "An Act to Incorporate Trinity College," to which they desire the concurrence of this House.

The said Bill was read for the first time, and it was ordered, that the said Bill be read the second time to-morrow.

July 17th, 1851. Pursuant to the Order of the Day, the Bill intituled: "An Act to Incorporate Trinity College," was read a second time, and it was ordered, that the said Bill be read a third time to-morrow.

July 18th, 1851. Pursuant to the Order of the Day, the Bill intituled, "An Act to Incorporate Trinity College," was read a third time. The question was put, whether this Bill shall pass? It was resolved in the affirmative, and it was,—

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council have passed this Bill without any amendment.

August 2nd, 1851. The Speaker commanded the Gentleman Usher of the Black Rod to let the Assembly know "it is His Excellency's pleasure they attend him immediately in this House."

The Members of the House of Assembly being come with their Speaker, the Clerk of the Crown in Chancery read the Title of a Bill which Bill was assented to in Her Majesty's name by His Excellency the Governor General, as follows:—

"An Act to Incorporate Trinity College."

August 15th, 1851. A Message was brought from the Legislative Assembly by the Honourable Henry John Bou ton and others, to return the Bill intituled: "An Act to Incorporate the Toronto School of Medicine," and to acquaint this House that they have passed the same, with several amendments, to which they desire the concurrence of the Legislative Council.

August 27th, 1851. A Message was brought from the Legislative Assembly by Mr. James Smith, and others, with a Bill intituled: "An Act to Repeal the provision Limiting the Distance between the County Town and any additional Grammar School in the same County in Upper Canada," to which they desire the concurrence of this House.

The said Bill was read for the first time, and it was ordered that the said Bill be read the second time presently.

A Message was brought from the Legislative Assembly by the Honourable William Badgley and others, to return the Bill intituled: "An Act to Incorporate the Burlington Ladies' Academy," and to acquaint this House that they have passed the said Bill, with an amendment, to which they desire the concurrence of the Legislative Council.

Which said amendment was then read by the Clerk as follows:—

Clause A: "*And be it enacted*, That it shall be the duty of the said Corporation, at all times, when they may be called upon so to do by the Governor of this Province, to render an account, in writing, of their property and affairs, in which shall be set forth, in particular, the income by

them derived from property held under this Act, and the means by which the same has been acquired; also, the number of Members of the said Corporation: the number of Teachers employed in the various branches of instruction; the number of Scholors under instruction; and the course of instruction pursued."

The said Amendment being read a second time, and the question of concurrence put thereon, the same was agreed to by the House, and it was ordered, that one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have agreed to their Amendment made to this Bill, without any amendment.

Pursuant to Order, the Bill intituled: "An Act to Repeal the provision Limiting the Distance between the County Town, and any additional Grammar School in the same County in Upper Canada," was read a second time, and it was referred to a Select Committee of three Members, consisting of the Honourable Messieurs James Crooks, Adam Fergusson and James Morris, to meet and adjourn as they please.

August 28th, 1851. The Honourable James Crooks, from the Select Committee to whom was referred the Bill intituled: "An Act to Repeal the provision Limiting the Distance between the County Town and any additional Grammar School in the same County in Upper Canada," reported, that they had gone through the said Bill, and had directed him to report the same to the House, without any amendment. It was then

Ordered, That the said Bill be now read for the third time. The same was then read a third time accordingly. The question was put, whether this Bill shall pass? It was resolved in the affirmative. It was further,—

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill, without any amendment.

August 30th, 1851.—The Speaker commanded the Gentleman Usher of the Black Rod, to let the House of Assembly know, that "It is His Excellency's pleasure that they attend him immediately in this House" The Members of that House being come, with their Speaker, the Clerk of the Crown in Chancery read the titles of the Bills which were severally assented to by His Excellency the Governor-General, in Her Majesty's Name, as follows:—

An Act to Define and Restore certain Rights to Parties therein mentioned.

An Act to Repeal the provision Limiting the Distance between the County Town and any additional Grammar School in the same County in Upper Canada.

An Act to Incorporate the Toronto School of Medicine.

An Act to Incorporate the Burlington Ladies' Academy.

His Excellency closed the Session of the Legislature with a Speech from the Throne, in which he made no reference to Educational matters.

CHAPTER XXII.

EDUCATIONAL ACTS PASSED BY THE LEGISLATURE OF THE PROVINCE OF CANADA IN 1851.

14TH AND 15TH VICTORIA, CHAPTER XXXII.

AN ACT TO INCORPORATE TRINITY COLLEGE, TORONTO.

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR-GENERAL.

Passed on the 2nd August, 1851.

Preamble. WHEREAS it has been represented to the Legislature of this Province, that divers inhabitants of the said Province have used their efforts to establish a College in connection with the United Church of England and Ireland, in the City of Toronto, under the style and title of Trinity College, and are engaged in erecting and establishing the same; And

WHEREAS it would tend greatly to advance and extend the usefulness of the said College, and to promote the purpose for which it was established, that it should be incorporated;

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled : An Act to Re-unite the Provinces of Upper and Lower Canada," and it is hereby enacted by the authority of the same, Imperial Act.

1. That there shall be, and there is hereby constituted and established at the City of Toronto, a body politic and corporate, under the name of Trinity College, which Corporation shall consist of— Corporation of Trinity College established ; of whom to consist.

Firstly : The Lord Bishop of Toronto, or, in case of the division of the said Diocese, then the Bishops of any Dioceses into which the Diocese of Toronto may hereafter be divided.

Secondly, the Trustees of the said Trinity College ; and,

Thirdly, the College Council of the said Trinity College, not less than three in number ; which said Trustees and the Members of the said College Council shall be named in the first instance by the Lord Bishop of Toronto,* and shall, in the event of their death, removal from the Province, dismissal from office, or resignation, be replaced by other persons, to be named in like manner, or in such other manner as may, from time to time, be directed by any Statute of the said College, to be passed for that purpose, and so on continually for ever.

II. *And be it enacted*, That such Corporation shall have perpetual succession, and have a Common Seal, with power to change, alter, break, and renew the same, when, and as often as, they shall think proper ; and the said Corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province, and shall have full power to make and establish such and so many Rules, Orders and Regulations, (not being contrary to the Laws of the Country, or this Act), as they shall deem useful, or necessary, as well concerning the System of Education in, as for the conduct and government of, the said College, and of a preparatory School connected with, or dependent on, the same, and of the Corporation thereof, and for the superintendence, advantage and improvement of all the property moveable, or immoveable, belonging to, or which shall hereafter belong to the said Corporation ; and shall have power to take, under any legal title whatsoever, and to hold for the said College, without any further authority, license, or Letters of Mortmain, all land and property moveable, or immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, or granted, to the said Corporation, or to sell, alienate, convey, let, or lease, the same if need be ; Provided that the total yearly revenue from the property so acquired, shall not, at any time, exceed the sum of Five Thousand pounds (£5,000.) ; and the said Corporation shall further have the right of appointing an Attorney, or Attorneys, for the management of its affairs and all other rights necesarily incident to a Body Corporate : Provided always, that no Rule, Order, or Regulation, which shall be made and established by the said Corporation in manner aforesaid, shall be of any force, or effect, until the same shall have been sanctioned and confirmed by the said Lord Bishop, or Bishops, as aforesaid. Corporate powers. Statutes. Property. Appointing Attorneys. General powers. Proviso : Statutes to be subject to approval of Bishop.

III. *And be it enacted*, That all the property which shall, at any time, belong to the said Corporation, as well as the revenues thereof, shall, at all times, be exclusively applied and appropriated to the advancement of education in the said College, or a Preparatory School connected with, or dependent, on the same, and to no other object, Institution, or Establishment, whatever. To what purposes property shall be applied.

IV. *And be it enacted*, That it shall be the duty of the said Corporation at all times, when they may be called upon so to do by the Governor of this Province, to render an account in writing of their property, in which shall be set forth, in particular, the income by them derived from property held under this Act, and the source from which the same has been derived, also the number of Members of the said Corporation, the number of Teachers employed in the various branches of instruction, the number of Scholars under instruction, and the course of instruction pursued. Corporation to render accounts, &c.

V. *And be it enacted*, That this Act shall be considered a Public Act, by all Judges, Justices of the Peace, and Officers of Justice, and by all other persons whomsoever, and shall be judicially taken notice of without being specially pleaded. Public Act.

VI *And be it enacted*, That this Act shall not extend to weaken, diminish, or extinguish, the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any other person, or persons, body politic, or corporate, excepting only such rights as are hereby expressly altered, or extinguished. Rights of the Crown &c. saved.

*These appointments are given in a subsequent Chapter.

14TH AND 15TH VICTORIA, CHAPTER CXI.

AN ACT TO DEFINE AND RESTORE CERTAIN RIGHTS TO PARTIES THEREIN MENTIONED.*

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR-GENERAL.

Passed on the 30th August, 1851.

Preamble.

13th & 14th Vict. chap. 48 cited.

WHEREAS it is expedient to remove doubts which have arisen in regard to certain provisions of the Nineteenth Section of an Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, and intituled: "An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada"†; and

WHEREAS it is inexpedient to deprive any of the Parties concerned of Rights which they have enjoyed under preceding School Acts for Upper Canada.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Province of Canada constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland and intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada and for the Government of Canada," and it is hereby enacted by the authority of the same,

Imperial Act.

Each party applying shall be entitled to have a Separate School.

I. That each of the parties applying, according to the provisions of the said Nineteenth Section of said Act, shall be entitled to have a Separate School in each Ward, or in two, or more, Wards united, as said party, or parties, shall judge expedient in each City, or Town, in Upper Canada: Provided always, that each such School shall be subject to all the obligations and entitled to all the advantages imposed and conferred upon Separate Schools by the said Nineteenth Section of said Act.

Proviso.

14TH AND 15TH VICTORIA, CHAPTER CXXV.

AN ACT TO REPEAL THE PROVISION LIMITING THE DISTANCE BETWEEN THE COUNTY TOWN AND ANY ADDITIONAL GRAMMAR SCHOOL IN THE SAME COUNTY, IN UPPER CANADA.

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR-GENERAL.

Passed on the 30th August, 1851.

Preamble.

WHEREAS inconvenience has arisen from the Proviso hereinafter mentioned:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same,

Imperial Act.

Part of sect. 6 of 405 Vict. c. 19 repealed.

I. That so much of the Sixth Section of the Act passed in the Session held in the Fourth and Fifth Years of Her Majesty's Reign, and intituled: "An Act to make Temporary Provision for the Appropriation of the Funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes," as is in the words following:—"Provided any such additional School shall not be within six miles of the 'District Town,"' shall be and is hereby repealed.

Payment of allowance to be authorized in a certain case.

II. *And be it enacted*, That, notwithstanding the provision of an Act passed in the Ninth Year of Her Majesty's Reign, intituled: "An Act to amend the Act therein mentioned relating to the Appropriation of Moneys derived from the sale of School Lands in Upper Canada," it shall and may be lawful for the Governor, by and with the consent of the Executive Council, to authorize the payment of the annual allowance to the Board of Trustees of any School, if not less than twenty Scholars shall be educated therein.

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* For the causes which led to the passing of this Act, see pages 239 of this Volume.

† For a copy of this Act, see pages 31-49 of this Volume; and for the Nineteen Section o the School Act of 1850, see pages 38, 39 of the Eighth Volume of this Documentary History.

14TH AND 15TH VICTORIA, CHAPTER CLXVI.

AN ACT TO INCORPORATE THE BURLINGTON LADIES' ACADEMY, HAMILTON.

THE EARL OF ELGIN AND KINCARDINE, GOVERNOR-GENERAL.

Passed on the 30th August, 1851.

Preamble. *Be it enacted* by the Queen's Most Excellent Majesty, by and with the advic and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled : "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same,

I. That the Mayor of the City of Hamilton, for the time being, George Sylvester Tiffany, John W. Hunter, Edward Jackson, John Fisher, Daniel Cummings Van Norman, Peter Carroll, Robert R. Smiley, Charles Newby Sims, Samuel Black Freeman, Michael Aikman, Alexander Hopkins, and Caleb Hopkins Van Norman, and their Successors, shall be, and they are hereby constituted a Body Corporate, by the name of "Burlington Ladies' Academy," to be located at the City of Hamilton, for the purpose of establishing, maintaining and conducting a Seminary of Learning, for the Education of Females, and the persons above named shall be the Trustees of the said Corporation.

Real Estate. II. *And be it enacted*, That the said Corporation shall have power to purchase, take and hold, real and personal Estate, to the annual value of Fifteen Hundred pounds, (£1,500), Halifax Currency, and to lease, sell, or otherwise dispose of the same, for the use of the said Institution.

By-laws. III. *And be it enacted*, That the Trustees shall have power to elect the Faculty of the Institution, form Regulations and By-Laws, prescribe the Course of Study, hold Examinations, and regulate the Government and Instruction of the Students, and to fill all vacancies that shall occur in their Board.

Trustees. IV. *And be it enacted*, That there shall always be Thirteen Trustees of the said Corporation, excepting when a vacancy, or vacancies, shall occur, which vacancy, or vacancies, shall be supplied as aforesaid, within one month after they may happen ; and that five of said Trustees shall constitute a quorum for the transaction of business.

Vacancies. V. *And be it enacted*, That, upon the death, resignation, or removal from this Province, of any Trustee, his vacancy shall be filled, as hereinbefore provided.

To render Account etc., If called upon by the Governor. VI. *And be it enacted*, That it shall be the duty of the said Corporation, at all times, when they may be called upon so to do by the Governor of this Province, to render an account in writing of their property and affairs, in which shall be set forth, in particular, the Income by them derived from property held under this Act, and the means by which the same has been acquired, also the number of Members of the said Corporation, the number of Teachers employed in the various branches of Instruction, the number of Scholars under Instruction, and the course of Instruction pursued.

CHAPTER XXIII.

DOCTOR STRACHAN'S FURTHER "CHURCH UNIVERSITY" CORRESPONDENCE.

PART V., 1851; CONTINUED FROM PAGE 118 OF THIS VOLUME.

In Chapter VI of this Volume, I inserted those portions of a voluminous Correspondence which took place on the "Church University" question between Bishop Strachan, (while in England in 1850,) and Earl Grey, the Colonial Secretary.

This Correspondence was moved for in the Legislative Council by the Honourable Peter Boyle de Blacquiere, the first Chancellor of the University of Toronto, and was laid before that Council in two Parts, on the 5th of June, 1851. A supplementary Return, with the rest of the Correspondence, was laid before the Council on the 30th of the same month

The Correspondence, which took place between Doctor Strachan and the Colonial Secretary in 1850—and that with Members of the Church of England in Canada and in England,—is published in Chapter VI of this Volume,—pages 91-122. The remainder of that Correspondence, including Despatches on the subject to and from the Governor General and the Colonial office, in 1851, is published in this Chapter.

This episode in the troubled history of the "University Question" of Upper Canada, which, in these early days, led to so much animated discussion, is both interesting and instructive. The personal feeling, and consequent acrimony which entered so largely into that discussion was greatly promoted and increased by the persistence of both parties to the controversy in insisting upon the establishment of but one College in the Province, and in thus ignoring the generous terms of the original Imperial Grant of Crown Lands in 1797, which provided for the establishment of Grammar Schools and of "Other Seminaries of a Larger and more Comprehensive Nature." This wider interpretation of the terms of the Royal Grant of 1797 was clearly the one put upon it by Sir John Colborne, the founder, in 1829, of Upper Canada College, (which was endowed with 66,000 acres of Crown Lands), who, in his Message to the House of Assembly, in 1832, referred to this Imperial Grant of 1897 as having been made "for the support of Grammar Schools and Colleges." In a subsequent Message to the House in 1835, he again referred to the same Royal Grant as having been made "for Schools and Larger Seminaries."

It is true that the "Church University" case (of 1850, 1851), as stated and argued in the Correspondence on the subject, which is published in Chapter VI and in this Chapter, did not involve the same questions as did the old King's College controversy. Although it was the natural sequel to that controversy, and grew out of it; yet, unlike it, neither grant of lands, nor money, was asked for by the promoters of this "Church University." They simply claimed the

right of existence, and insisted upon the issue of a Royal Charter for the establishment of their proposed College, as was granted in the case of Victoria College, as also in that of Queen's College. Yet underlying the whole subject was the latent idea, cherished, yet not clearly, nor strongly, expressed on either side, that the Imperial Grant of 1797 was intended, (as held by the one party,) for such a Church of England College as that of King's College, and, (by the other party,) that such a College should be a Provincial one, "pure and simple," and that it should have no rival. This view was, in effect, the one taken by Chancellor de Blaquiere in his (drafted) Address of the Senate of the University of Toronto to the Governor General of the 7th of November, 1850, (pages 130, 131 of this Volume,) in which he said:—

"It is highly injurious to the great interests involved in this question, and which embrace the present, as well as rising generations of Canada, to permit the revival of an Institution, wholly exclusive in its nature, and, therefore, unsuited to the well-being of this Province, and which is intended to withdraw from the University of Toronto a large and influential portion of the community, many of whom are actually reaping great benefits from this Institution, and others are preparing to enter it, when sufficiently advanced, without the present means, or further prospect, of being able to provide for this section of the inhabitants that high academic education thus recklessly intended to be thrown aside." . . .

It will be noticed that the same deprecatory tone, as to the existence of more than one University, is quite perceptible in Lord Elgin's Despatch to Earl Gray of the 4th of February, 1851, (pages 256-259,) in the following Letter addressed by the Provincial Secretary to Doctor Strachan. In that Letter he says that,—

"There are grave objections to the multiplication of Academic Institutions, having authority to grant Degrees. . . Authority to grant such Degrees has been conferred on the two Denominational Colleges of Queen's and Victoria. It may be doubtful, however, whether they have, in effect, derived any essential benefit from its exercise; and, on the whole, His Excellency is inclined to think, that the case of the Institutions in question furnishes an argument rather against the expediency of conferring such powers, than in favour of it."*

I. LETTER FROM THE PROVINCIAL SECRETARY TO DOCTOR STRACHAN, JANUARY, 1851.

1. I am directed by the Governor General to State, for your information, that a Correspondence between your Lordship and the Colonial Secretary, transmitted to His Excellency by Earl Grey, in a Letter dated the 29th of July last, [page 107] and comprising with other Documents, the Draft of a Charter for a proposed University in connection with the Church of England, ‡ [in Canada,] has engaged, for some time past, the anxious attention of His Excellency and the Executive Council.

2. His Excellency regrets to find in this Correspondence, statements reflecting on the course taken by the Provincial Government and Parliament, with respect to the University of Toronto, which he believes to be incorrect, and against which it will be his duty, when the fitting occasion arrives, to record his protest.

3. Omitting, however, for the present, further reference to these points and looking merely to the practical object which your Lordship had in view, in your Communication with Earl Grey, I am desired by His Excellency to observe, that, while he is most desirous that the means of obtaining Education in its highest branches should be placed as extensively as possible within the reach of the youth of the Province, he conceives that there are grave objections to the multiplication of Academical Institutions, having authority to grant Degrees in Arts, in a Country where the number of young men who can devote to study the necessary time to qualify them for such Degree is not large.

* In the Address of the Senate of the University of Toronto, dated the 7th of November, 1850, (page 131) it is stated that, "In the short period, which has elapsed since the establishment of Victoria College, it has entirely failed for want of necessary funds, and the Institution has been closed, its buildings at Cobourg have been sold† and an Act of the Legislature in the last Session has authorized the removal of the Site of this College to Toronto.

†This statement is quite incorrect. Victoria College was not "closed" in 1850, nor were its Buildings sold for forty years afterwards. The Site of the College was not removed to Toronto until the early eighties.

‡ Printed on pages 99-102 of this Volume!

4. It is true, that the authority to grant such Degrees has been conferred on the two Denominational Colleges of Queen's and Victoria. It may be doubtful, however, whether they have, in effect, derived any essential benefit from its exercise ; and, on the whole, His Excellency is inclined to think that the case of the Institutions in question furnishes an argument rather against the expediency of conceding such powers than in favour of it.

5. It may, however, be observed that, if a Denominational character had not been originally imparted to King's College, these Charters would in all probability, not have been granted. Under these circumstances His Excellency is desirous, before replying to the Communication which Earl Grey has addressed to him on this subject, to ascertain whether a Royal Charter in favour of the Institution which you propose to establish, restricting the power of granting Degrees to those in Divinity, would be acceptable to your Lordship, and the Members of the Church of England in Canada generally.

6. It appears to His Excellency that such a College, under your Lordship's immediate direction and control, would afford a better security for the faith and morals of the youth of the Church, who might frequent the University of Toronto, than was given by the Constitution of King's College, as fixed by the Act of 1837, 7th William IV, Chapter 18, under which that Institution was brought into operation.

TORONTO, 11th January, 1851. JAMES LESLIE, Secretary.

II. DOCTOR STRACHAN'S REPLY TO THIS LETTER OF THE PROVINCIAL SECRETARY.

1. I have the honour to acknowledge your Letter of the 11th instant, on the subject of the proposed Church of England University, and, in answer to the observation, with which the proposition made, by desire of His Excellency, is introduced, I beg leave to remark, that I should be much grieved to find an impression prevailing in His Excellency's mind, that I had on any occasion, failed to remember the respect due to His exalted station, or the courtesy which it is equally my inclination and my duty to exhibit towards His Excellency personally, You do not, indeed, intimate that His Excellency entertains any such impression.

2. With regard to any statements which are to be found in my Correspondence, reflecting on the course taken by the Provincial Government and Parliament, with respect to the University of Toronto, I have only to observe that it would have been difficult for me to have expressed myself more strongly than I have felt ; for, it is my sincere conviction that we should look in vain in the history of any Country, governed by British Laws, for instance, in which such an entire disregard had been shewn for Chartered Rights, as in the destruction of King's College, and the appropriation of its property.

3. I have said nothing on this point which I do not believe myself fully able to maintain ; and am under no apprehension of my statements being successfully opposed in any quarter, where I have an opportunity of being heard.

4. I have given my best consideration to the remarks which His Excellency has done me the honour to submit to me, for the purpose of shewing that it is of small importance to the Members of the United Church of England and Ireland in this Diocese,—containing, I think, about 800,000, inhabitants,—that they should possess an University with the privilege of conferring Degrees in the Arts. The other Religious Denominations, which at present enjoy this advantage, by the favour of the Government, do not, as it appears, estimate it highly ; and I cannot say, that I feel the force of any reason which have been yet given for hesitating to grant the same privilege to the Members of the National Church [of England in Canada].

5. Their number in this Diocese, (not less, I suppose, than 200,000,) certainly gives them a stronger claim than can be urged on the same ground by the Members of any other Religious Body, as the published Returns of the Population shew beyond question.* It may be apprehended that, if the proposed Church of England University should be incorporated, according to the prayer of the Members of that Church, its success might be injurious to the Toronto University, which has been raised upon the ruins of King's College, and supported with its funds.

6. But I can hardly persuade myself that, because it has been thought expedient to deprive, of its property and its Charter, a College founded by the Sovereign, in avowed connection with the Established Church of the Empire, it can be thought a just policy to withhold from the Members of that Church the possibility of repairing the injury, by denying to them the same privileges that have been granted to others, of educating their youths from their own resources, in their own way, with the power of conferring upon them Degrees to mark their proficiency in the different branches of learning.

*In 1850, the Religious Census of that year showed that, in the Diocese of Toronto, as it then existed, the Church of England population was 182,623 ; the Presbyterian, 161,016 and the Methodist, 147,758 ; in 1891 the Religious Census showed that the following were the comparative numbers of the various Denominations in the same Diocese : Church of England, 385,999 ; Roman Catholics, 358,300 ; Baptists, 106,047 ; others, (Congregations, etcetera,) 156,795. While the Methodists numbered 654,633, and the Presbyterians, 453,147, or a total of 1,087,780. All the other Denominations, including the Church of England, only numbered 1,007,141 in 1891.

7. The Government will surely not debar them from the privilege, which others enjoy, of educating their youth in a College strictly connected with their Church, in order to force them into another Institution, which is prohibited from inculcating her doctrines.

8. That would be making one injury the ground for comitting another; and it would be expecting too much from the Members of the Church [of England] to suppose that they could be content to be placed, for such reasons, under such disadvantages. Neither do I believe that it can be made to appear reasonable to the many thousands, who would be so deeply affected by it, that the Government have readily granted Charters for Colleges to the other large Bodies of Christians who have desired them, should now, for the first time, discover that this has been an erroneous policy, and should be determined to Grant no more exclusive Charters, just at that point of time when such a decision would have the effect of leaving the National Church in a position, inferior to that of other Religious Denominations, though in number she exceeds them.

9. His Excellency may be assured that the Members of the Church of England do not value the advantages they are soliciting less than others value it, and they will not easily be made to feel that they deserve it less.

10. What they desire, and earnestly hope to obtain, is a Charter from the Crown, on the principle at least as sound as that which they had received from the same high authority, and which has, by an Act hitherto unprecedented in Colonial Legislation, been taken from them. They are reluctant to believe that this will be long denied them by their Sovereign; for they have done nothing to forfeit their right to equal justice.

11. For any assistance, towards that end, which His Excellency may render to them, they will, I am sure, be most grateful; and if, in the meantime, the Legislature shall, upon His Excellency's recommendation, grant a Charter of Incorporation, though it should be to no greater extent than to give them the usual facility for managing their property and affairs, they would, I have no doubt, esteem it a very considerable advantage.

12. Yet they would, I believe, never cease to indulge the reasonable hope, that the Government would consent to grant them a perfect Charter, nor would they solicit a restricted one with the remotest intention of affiliating with Toronto University.*

13. It cannot, I believe, be the opinion of His Excellency, that the Members of the Church of England are not so numerous as to make their wish a reasonable one, when they desire to have, complete within themselves the means of giving a sound and liberal education to their youth; for he is aware that Scotland, when its whole population did not nearly equal that of Upper Canada, contained five Universities granting Degrees.

TORONTO, 20th January, 1851. JOHN TORONTO.

III. REPLY OF THE PROVINCIAL SECRETARY TO THIS LETTER FROM DOCTOR STRACHAN.

1. I am directed by the Governor General to acknowledge the receipt of your Lordship's Letter of the 20th instant, and to state in reply, that His Excellency will be happy to afford such aid as it is in his power to bestow, towards procuring for the Educational Institution, which you desire to establish, in connection with the Church of England, a Charter of Incorporation, giving the usual facilities for managing its property and affairs.

2. I am further to add, with reference to the more perfect Charter to which your Lordship alludes, that His Excellency would consider, should no other alternative than this ultimately present itself, that it would be a lesser evil to multiply Colleges within the Province authorized to confer Degrees in Arts, notwithstanding the manifest tendency of such a system to detract from the value of those Degrees, than to subject the Members of the Church of England to injustice.

He is not, however, prepared to abandon the hope, that the Members of the Church, as well as of other Denominations possessing incorporated Colleges, may yet be induced to participate in the advantages offered to Students by the Toronto University. Meanwhile, he must not be supposed to admit that he concurs in the opinion, that the Members of the Church of England in this Province, numbering, according to your Lordship's computation, 200,000, are unanimously in favour of the establishment of a Denominational University, upon the principles embodied in the Draft Charter submitted by your Lordship to Earl Grey. On the contrary, His Excellency knows that, among the most zealous supporters of the system of united education, are some sincerely attached Members of the Church of England; while, as regards others, he has no reason to believe that considerable difference of opinion prevails with respect to the terms in which a Charter for an exclusive University ought to be conceived.

*How little did the Bishop in 1851 anticipate that fifty years after his Letter was written, the Authorities of the Church University, which he had founded, would, in 1902, propose to affiliate with the University of Toronto.

3. With respect to the first clause of your Lordship's Letter, I am directed by His Excellency to assure you that nothing could be further from his intentions than to convey the impression, that there had been any lack of courtesy in your Lordship's Communications with him. No such ground of complaint, in His Excellency's opinon, exists ; but, were it even otherwise, His Excellency feels too keenly the momentous character of the subject under discussion, and is too sincerely desirous to arrive at a solution of the difficulties encompassing it, which shall reconcile the rights of conscience with the moral and social interests of the Province, to have permitted himself to allude to a merely personal question at such a time.

4. As your Lordship, however, reiterates in this Letter the very serious charges which you have, on former occasions, advanced against the Provincial Government and Parliament ; alleging that it is your sincere conviction that we should look in vain, in the history of any country, governed by British Laws, for an instance in which such entire disregard had been shewn to Chartered rights ; His Excellency considers himself bound in fairness to remark, that these strictures, if just, apply more correctly to the provisions of the University Act of 1837. 7th William IV, Chapter 18, which superseded the Royal Charter, and did away with all tests, even as respects Professors, than to those of the Acts passed during the last two Sessions of the Provincial Parliament of 1849 and 1850. Moreover, he must observe, that the Legislation, so severely characterized by Your Lordship, was consequent on an attempt to establish in the Province by Royal Charter, an University, supported by Public Funds, on principles, against which the popular branch of the Legislature repeatedly and deliberately protested, and that it was resorted to by the local Parliament on the invitation of successive Secretaries of State and Governors who seem to have desired, by this means, to avert the consequences of an Act of which they recognized the improvidence.

Toronto, 24th January, 1851. James Leslie, Secretary.

IV. The Governor General Lord Elgin's Despatch to the Colonial Secretary.

1. With reference to Your Lordship's Despatch, of the 29th July last,* I have the honour to submit for your information, the Copy of a Correspondence which has recently passed between the Provincial Secretary and the Lord Bishop of Toronto, [pages 91-117 herewith] on the subject of the proposed establishment, by Royal Charter, of a University in Upper Canada, exclusively connected with the Church of England. Your Lordship will perceive from the latter portion of the Correspondence, that this Government is prepared to afford the Bishop all the aid in its power towards procuring, for the Educational Institution, which he desires to establish, a Charter of Incorporation, giving the usual facilities for managing its property and affairs.

2. With reference to the more perfect Charter sought for by His Lordship, the Government apprehends that the multiplication of Colleges having authority to grant degrees in Arts in this Province, at the present stage of its growth in wealth and population, is open to very serious objection. The authority in question would not, it is believed, have been granted to the Denominational Colleges of Queens and Victoria, which are referred to by the Bishop, if the Charter of King's College has been originally framed on a comprehensive principle, or, if the provisions of the Provincial Act of 1837 : 7th William IV., Chapter 18, under which that Institution came into operation, had been carried out according to its true intent and meaning. The Government still entertains the hope that the Members of the Church, as well as of other Denominations possessing incorporated Colleges, will be induced to participate in the advantages offered to Students by the Toronto University.

3. While, therefore, it would view with satisfaction the establishment of a College, in connection with the Church of England, having authority to confer Degrees in Divinity, it would consider the grant of such a Charter as the Lord Bishop had applied for, premature, until it should be shown that this hope must be abandoned, and that the Members of the Church [of England here] are generally at one, not only as to the principle of an exclusive University, but also as to the terms in which the Charter constituting it should be conceived.

4. As regard the last mentioned point, I beg to call your Lordship's attention to the first part of the enclosed Correspondence, which has reference to an application addressed to me by the Honourable Peter B. de Blaquière, (Chancellor of the University of Toronto,) for a copy of the Draft Charter submitted to your Lordship by the Bishop† From a further Correspondence between the Lord Bishop and Mr. de Blaquière, which has been published in the Newspapers, I fear that the Bishop considers that the Draft in question is still open to revision and correction. If so, I cannot but think that it is fortunate that your Lordship declined to accede to the application for a Charter which the Bishop pressed upon you while in England. For, had it once issusd in terms of the Draft, its provisions could not have been afterwards altered

* Printed on page 107 of this Volume.

† A copy of this Draft Charter is printed on pages 99-102 of this Volume.

in any material point, without giving rise to questions touching interference with Chartered Rights, akin to those which have so greviously embittered the Controversies that have taken place at various periods, with respect to the amendment of the provisions of the original Charter of King's College. Under all the circumstances of the case, I trust that your Lordship will concur with me in thinking that it is expedient that a decision in favour of the Lord Bishop's application should be, at least for a time, suspended.

5. It may be necessary, before I close this Despatch, that I should offer some remarks on the very serious charges which are advanced against the Provincial Government and Parliament in the Correspondence which your Lordship has transmitted to me. I approach the subject with reluctance, for I should deeply regret it, if anything were to fall from me which was calculated to keep up the asperity of feeling from which the interests of Education in Upper Canada have already so cruelly suffered I fear, however, that if I were to abstain from the notice of these charges, it might be supposed that I admitted the accuracy of the representations on which they are founded.

6. In the Letter addressed by the Bishop to the Provincial Secretary, under date the 20th of January last,* of which the copy is herewith enclosed; the charges to which I refer are alluded to in the following words:—

"With regard to any statements, which are to be found in my Correspondence, reflecting on the course taken by the Provincial Government and Parliament with respect to the University of Toronto, I have only to observe that it would have been difficult for me to have expressed myself more strongly than I have felt, for it is my sincere conviction that we should look in vain, in the History of any Country, governed by British Laws, for an instance in which such an entire disregard had been shewn for Chartered Rights as in the destruction of King's College and the appropriation of its property;"

And again, I find in the Report, which His Lordship furnished to you, of a conversation which took place between himself and the late Sir Robert Peel, a paragraph which defines yet more accurately the view which he entertains on this point. The Bishop there represents himself to have said:—

"But the College, or University, of Toronto, is founded on the ruins of King's College, whose Royal Charter it has repealed, under the pretence of amending it, and whose endowment of Eleven Thousand pounds, (£11,000,) per annum, though secured by a patent from the Crown, and guaranteed by the pledge of three Kings, it has seized and appropriated to itself." "Then," if I understand it," said Sir Robert, "the Government would have made a parallel case had they seized upon Trinity College, Dublin, and not only destroyed its religious character, but endowed with its property all the new Colleges."

"Such," I answered, "would have been a case exactly parallel."

7. These representations have produced, as might have been anticipated, very considerable effect. I have before me an address in favour of the Church University, signed by English Noblemen and Gentlemen of high character and station, in which is the epithet: "Anti-Christian," is applied to the University of Toronto. Among the names appended to this address are those of Statesmen who, like the late Sir Robert Peel, promoted the establishment of the Queen's Colleges in Ireland. So severe a condemnation, by such an authority, of an effort made, within a smaller sphere indeed, but against difficulties hardly less formidable, to establish a system of united Education in a community long vexed by religious dissensions, implies, it may be presumed, on the part of the subscribers, a very profound conviction, that the means adopted for compassing the end in view, were in their nature immoral.

8. The accuracy of the parallel, which the Bishop endeavours to establish, between the course which the Canadian Legislature has pursued with reference to King's College, and a supposed confiscation of the revenue of Trinity College, Dublin, for the benefit of the Queen's Colleges in Ireland, and will probably be best tested by a brief review of the history of the former Institution. This history is unquestionably, in many of its parts, a sad one. It is a lamentable fact, that for a series of years the interests of Education, in its higher branches in Upper Canada, should have been sacrificed to the exigencies of a bitter sectarian warfare. I I much doubt, however, whether impartial persons, with the circumstances of the case fully before them, will be disposed to place the whole blame upon the Provincial Government and Parliament.

9. The first movement made towards the establishment of an University in Upper Canada was in 1797, when the Legislative Council and Assembly concurred in an address to the King,

"Imploring that His Majesty would be graciously pleased to direct His Government in this Province, to appropriate a certain portion of the waste lands of the Crown, as a fund for the establishment a support for a respectable Grammar School in each District thereof; and also, a College, or University, for the instruction of youth in the different branches of liberal knowledge."

* See pages 254, 255 of this Chapter.

A favourable answer was returned to his Address, intimating that it was "His Majesty's most gracious intention to comply with the wishes of the Legislature of His Province of Upper Canada"* and, accordingly, a large appropriation of vacant land was shortly afterwards made for the purpose of the Endowment. In the year 1807, District Schools were established by the Legislature, for the support of which a Special Grant was made, as the Lands so set apart had not yet become productive,† It is to be observed, however, that, true to the intention of the Address and Endowment, these Schools were altogether unsectarian in their Constitution. No practical step appears to have been taken for carrying out that part of the Address which had reference to an University until the year 1827, when Doctor Strachan, Archdeacon of York, being in England, obtained from Lord Bathurst a Royal Charter, establishing the University of King's College.‡

10. The University constituted by this Charter was essentially a Church of England Institution. The Bishop was to be Visitor, the Archdeacon of York, President, and each Member of the College Council, seven of whom where to be eventually Professors, was required to subscribe to the Thirty Nine Articles. When its contents were made known in the Province, great indignation was excited, which found a vent in addresses from the popular Branch of the Legislature and Public Meetings. It was urged that the representations, on the faith of which the Charter had been granted, were erroneous ; that its provisions were unsuited to the state of the Province, and inconsistent with the intentions of the Endowment. The justice of these remonstrances seems to have been admitted with very little contestation. They found an echo in the House of Commons.§ The Lieutenant Governor was instructed by the Secretary of State to endeavor to obtain from the College Council a surrender of the Charter,‖ and finally, the Local Parliament was invited by the same authority to amend it, in terms which imposed no limits on its discretion. It was not, however, till 1837, that an Act passed for this purpose, in which both Branches of the Legislature concurred.¶

11. During the whole of this period the Charter of King's College, in so far as the object of Education was concerned, was practically in abeyance. A considerable expenditure of the University funds took place, which was the subject of much criticism at the time ; but the University was not opened for instruction till the year 1843, when it was organized under the provisions of the Act of 1837.

12. By this Act the preferences, which the Church of England enjoyed under the Royal Charter, were altogether abolished. That it did not, however, in its operation, give satisfaction to the Province, is proved by the fact that, between the years 1843 and 1850, no less than four sweeping Measures of Amendment were introduced into Parliament, two by Conservative, and two by Liberal Administrations ;** of these four Measures that of 1849 alone passed into law.††

13. The main cause of this dissatisfaction was undoubtedly the attempt which was made, notwithstanding the tenor of the Charter Amendment Act of 1837, to keep up a connection between the Church of England and the University in various ways, and chiefly by the establishment of a Divinity Professorship, and of a Chapel Service. Whether these measures furnished a reasonable ground for such dissatisfaction, is a question on which I do not feel called to offer an opinion. The only point for which I now contend is, that the charge against the good faith of the Canadian Legislature, which is insinuated in the parallel that has been instituted between a supposed confiscation of the property of Trinity College, Dublin, and the Acts of the Local Parliament on the subject of King's College, cannot, on a fair construction of those Acts, be made good. If, in this parallel, the special privileges, which were never acquiesced in by the popular Branch of the Legislature, were actually abolished, with the consent of the Crown, which granted them before the University, as an Educational Institution, came into operation. And if allusion be made to any supposed advantage secured for the Church of England, by the arrangements of the University, as established under the Act of 1837 ; enough has been said to

* In point of fact, and with a view to historical accuracy it is proper to state, that the King in 1797, did not "comply with the wishes of the Legislature," in the obvious and literal sense here indicated. His Majesty's Reply to a request from the Legislature of 1797 was not a compliance with its expressed "wishes" to obtain a grant "of the Waste Lands of the Crown as a Fund for the establishment and support" . . . "of a respectable Grammar School in each District . . . and also of a College, or University" ; but the Reply of the King, through the Colonial Secretary, was more generous in its terms than those of the request, while it was equally specific in stating the objects of the Royal Grant. It was to the effect that the Imperial grant was for "the establishment of Free Grammar Schools . . . and, in due course of time", for the establishment of "other Seminaries of a larger and more comprehensive nature" . . . and not for Grammar Schools and a Single "College, or University," as desired by the Legislature.

† The Act of the Legislature authorizing the establishment of these Schools is printed on page 66 of the First Volume of this Documentary History

‡ For the particulars of Founding of King's College, see pages 216-226 of the same First Volume of this History.

§ For Proceedings of the British House of Commons on this Subject See pages 253-255 of the same First Volume.

‖ The Despatch of the Colonial Secretary here referred to will be found on pages 54-56 of the Second Volume of this Documentary History. The Reply of King's College Council to the request, contained in that Despatch, for the surrender of King's College Charter, is printed, *in extenso*, on pages 32-37 of the Third Volume of this Documentary History.

¶ A copy of this Act will be found on pages 88-89 of the Same Third Volume.

** *i.e.* those of 1843, 1845, 1846 and 1849. See the Volumes of this History for the years named.

†† This Act is printed in full on pages 147-166 of the Eighth Volume of this Documentary History.

prove that these advantages had no foundation in law, and that their withdrawal, therefore, however inexpedient, or uncalled for, cannot be deemed a breach of faith on the part of the Legislature.

14. The relation subsisting between the popular Branch of the Local Legislature and the Crown was indeed so peculiar, at a time, when even its Minister in the Colony were wholly irresponsible to the Provincial Parliament, that it is difficult to establish, for any practical, usefu purpose, such analogies as that which I have been now discussing. It might, however, be contended with some show, at least of reason, that a closer parallel to the History of King's College than that which has been imagined, would, in all probability have been furnished by the Queen's Colleges in Ireland, if, after the assent of Parliament to their establishment and endowment had been obtained, an exclusive character had been imparted to them by the Royal Charter.

15. It is by no means my intention to refer, in these remarks, to any strictures of which the Constitution of the University of Toronto may have been made the object, on the ground of its containing no direct provision for Instruction in Religion. I am aware, that there are persons, whose opinions are deserving of respect, who hold that an Educational Institution, which labours under this defect, is not only useless, but practically mischievous ; and they are undoubtedly entitled to employ language which expresses adequately the strength of their conviction. I can take it upon myself, however, to affirm that the framers of this Constitution, while they have felt strongly the importance, with a view to the moral and social interests of the Community, of bringing the youth of this Country together for instruction in the higher branches of secular learning ; and while experience has satisfied them, that this object cannot be obtained if Denominational teaching be introduced into the University, most emphatically and earnestly repudiate the intention of thereby removing Religion from its fitting place in the scheme of a perfect education. On the contrary they have always hoped and believed, that the zeal of the several Denominations would induce them to provide Schools, or Colleges, in the vicinity of the University, for the Religious training of the youth of their respective Communions. They entertain the conviction, that a better security for the faith and morals of the Students attending the University, will be furnished by these means than could be supplied by the systems lately in operation in King's College. A system which, seeking to combine objects in their nature incompatible, offered in effect to the Members of one Communion a scanty and imperfect measure of Religious training, while it left the Youth of the other Denominations, whom it equally proposed to educate in this respect, wholly unprovided for.

TORONTO, 4th February, 1851. ELGIN AND KINCARDINE.

V. REPLY OF DOCTOR STRACHAN TO THE PROVINCIAL SECRETARY'S LETTER OF THE 24TH OF JANUARY.

1. I have the honour to acknowledge your Letter of the 24th ultimo [pages 255, 256] and beg leave to convey my thanks to His Excellency the Governor General, for his kind consideration, in stating that he will be happy to afford such aid as it is in his power to bestow, towards procuring for the University, which I desire to establish, in connection with the Church of England, a Charter of Incorporation, giving the usual facilities for managing its property and affairs.

2. In regard to the more perfect Charter, I feel also, under obligation to His Excellency for the measure of support he is pleased to tender ; at the same time, I should deeply lament the postponement of a boon to a future Administration which may be so gracefully bestowed by the present ; and which, though in itself an act of simple justice, cannot fail to elicit the grateful acknowledgements of a large portion of the more respectable and influential Inhabitants of the Province,—a result of no small importance in the present state of things.

3. I trust that His Excellency will excuse my earnestness in this matter, not only because there is reason to believe, that the Charter we request, would be readily granted by the Home Government, should it meet with no impediment here ; but still more especially, because its attainment will remove a serious cause of dissatisfaction, and essentially secure, what we heartily desire,—the continued peace and tranquility of the Colony.

4. I take the liberty to request His Excellency's permission to withdraw the Draft of the Charter, which I laid before Earl Grey, and to substitute the enclosed Draft in its stead.

5. The alterations are not otherwise material than meet the probable division of the Diocese, and to substitute the mode of conferring Degrees adopted at Cambridge, for that contained in the former Draft.

6. They have been the result of mature deliberation, and the Document, as it now appears, has received the unanimous approbation of my people.

TORONTO, 7th. February, 1851. JOHN TORONTO.

ENCLOSURE: DRAFT OF REVISED CHARTER OF THE CHURCH UNIVERSITY.

VICTORIA BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN: DEFENDER OF THE FAITH . . .

TO ALL TO WHOM THESE PRESENTS SHALL COME,—GREETING:—

1. WHEREAS, the establishment of a College within the Province of Canada in connection with the United Church of England and Ireland, for the Education of Youth in the Doctrines and Duties of the Christian Religion, as inculcated by that Church, and for their instructions in the various Branches of Science and Literature, which are taught in the Universities of this Kingdom, would greatly conduce to the welfare of Our said Province; and,—

2. WHEREAS, humble application hath been made to Us, by many of Our Loving Subjects in Our said Province, that We should be pleased to grant Our Royal Charter for the more perfect establishment of a College therein and for Incorporating the Members thereof for the purposes aforesaid:

3. NOW KNOW YE, that We, having taken the premises into our Royal consideration, and duly weighing the great utility and importance of such an Institution, have, by Our Special Grace, certain Knowledge and mere motion, ordained and granted, and do by these Presents for Us, Our Heirs and Successors, ordain and grant, that there shall be established at, or near, Our City of Toronto, in Our said Province of Canada, from time to time, one College, with the style and privileges of an University, as hereafter directed, for the Education and Instruction of Youth and Students in Arts and Faculties to continue for ever to be called, "Trinity College."

4. And We do hereby declare and grant, that Our trusty and well-beloved, the Right Reverend Father-in-God, John, Bishop of the Diocese of Toronto, or the Bishop for the time being of the Diocese, in which the said City of Toronto may be situate, shall be Visitor of the said College.

5. And We do hereby declare, that should there be any division, or divisions, of the said present Diocese of Toronto, the Bishop, or Bishops, of such division, or divisions, shall be joint Visitors of the said College, with the Bishop of Toronto; Provided that, in the event of an equality of votes, the Senior Bishop, according to the date of consecration, shall have a second, or casting, vote.

6. And We do hereby grant and ordain, that there shall be a Chancellor of Our said College,—to be chosen for the term of Four years, but capable of re-election under such Rules and Regulations as the Visitor, or Visitors, and College Council may, from time to time, see fit to establish.

7. And We do hereby declare, ordain and grant, that there shall, at all times, be one Provost of Our said College, who shall be a Clergyman in Holy Orders of the United Church of England and Ireland, and that there shall be such, and so many, Professors in different Arts and Faculties within Our said College, as, from time to time, shall be deemed necessary, or expedient, and shall be appointed by the Visitor, or Visitors, of Our said College, with the advice of the College Council: Provided always, that all such Professors shall, before their admission into office, severally sign and subscribe the Thirty Nine Articles of Religion, as declared and set forth in the Book of Common Prayer, and the three Articles of the Thirty-sixth Canon.

8. And We do hereby for Us, Our Heirs and Successors, will, ordain and grant, that the said Chancellor and Provost, and the said Professors of Our said College, and all persons, who will be duly matriculated into and admitted as Scholars of Our said College, and their successors for ever, shall be one distinct and separate Body Politic, in deed and in name, by the name and style of "The Chancellor, Provost and Scholars of Trinity College, at Toronto, in the Province of Canada," and that, by the same name, they shall have perpetual succession and a Common Seal, and that they and their successors shall, from time to time, have full power to alter, renew, or change, such Common Seal at their will and pleasure, and as shall be found convenient; and that, by the same name, they,—the said Chancellor, Provost and Scholars, and their Successors, from time to time, and at all times hereafter,—shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said College, any Messuages, Tenements, Lands and Hereditaments of what kind, nature, or quality soever, situate and being within Our said Province of Canada, so that the same do not exceed in yearly value Fifteen thousand pounds (£15,000) Sterling, above all charges; and, moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all, or any, Goods, Chattels, Charitable, or other, Contributions, Gifts, Legacies, or Benefactions whatsoever.

9. And We do hereby declare and grant that the said Chancellor, Provost and Scholars, and their successors, by the same name, shall, and may, be able and capable in Law, to sue and be sued, implead and be impleaded, answer, or be answered, in all, or any Court, or Courts, of Record within Our United Kingdom of Great Britain and Ireland, and Our said Province of Canada, and Our other Dominions, and in all singular actions, causes, pleas, suits, matters and demands, whatsoever, of what nature, or kind, soever, in as large, ample and beneficial a manner and form, as any other Body Corporate and Politic, or any other Our liege Subjects, being persons able and capable in law, may, or can, sue, implead, or answer, or be sued, impleaded, or answered, in any manner whatsoever.

10. And We do hereby declare, ordain and grant, that there shall be within Our said College, or Corporation, a Council, to be called and known by the name of: "The College Council," and We do will and ordain that the said Council shall consist of the Chancellor and Provost, and of the five Professors in Arts and Faculities of Our said College, and that such five Professors shall be Members of the Established Church of England and Ireland, and shall, previously to their admission into the said College Council, severally sign and subscribe the Thirty Nine Articles of Religion, as declared and set

forth in the Book of Common Prayer, and the three Articles of the Thirty-sixth Canon; and, in case, at any time, there should not be within Our said College, five Professors of Arts and Faculties, being Members of the Established Church aforesaid, then Our will and pleasure is, and We do hereby grant and ordain, that the said College Council shall be filled up to the requisite number of five Professors, exclusive of the Chancellor and Provost, for the time being, by such persons, being Graduates of Our said College, and being Members of the Established Church, aforesaid, as shall, for that purpose, be appointed by the Visitor, or Visitors, for the time being, of Our said College, and which Members of Council shall, in like manner, subscribe the Thirty Nine Articles of Religion and the three Articles of the Thirty-sixth Canon aforesaid, previously to their admission into the said College Council; and,—

11. WHEREAS, it is necessary to make provision for the completion and filling up of the said Council at the first institution of Our said College, and previously to the appointment of any Professors, or the conferring of any Degrees therein, now We do further ordain and declare, that the Visitor, or Visitors, of Our said College, for the time being, shall upon, and immediately after, the first institution thereof by Warrant under his, or their, hand, nominate and appoint five discreet and proper persons, resident within Our said Province of Canada, to constitute, jointly with the Chancellor and Provost for the time being, the first, or original, Council of Our said College, which first, or original, Members of the said Council shall, in like manner, respectively, subscribe the Thirty Nine Articles of Religion aforesaid, previously to their admission into the said Council.

12. And We do further declare and grant, that the Members of the said College Council holding, within Our said College, the offices of Chancellor, Provost, or Professor in any Art, or Faculty, shall respectively hold their seats in the said Council so long as they, and each of them, shall retain such their offices, as aforesaid, and no longer; and that the Members of the said Council, not holding offices in Our said College, shall, from time to time, vacate their seats in the said Council, when, and so soon as there shall be an adequate number of Professors in Our said College, being Members of the Established Church, aforesaid, to fill up the said Council to the requisite number before mentioned.

13. And We do hereby authorise and empower the Visitor, or Visitors, for the time being, of Our said College, to decide in each case, what particular Member of the said Council, not holding any such office as aforesaid, shall vacate his seat in the said Council, upon the admission of any new Member of Council holding any such Office.

14. And We do hereby declare and grant, that the Chancellor, for the time being, of Our said College, shall preside at all Meetings of the said College Council, which he may deem it proper, or convenient, to attend; and that, in his absence, the Provost, of Our said College shall preside at all such Meetings; and that, in the absence of the said Provost, the Senior Member of the said Council, present at such meeting, shall preside thereat; and that the seniority of the Members of the said Council, other than the Chancellor and Provost, shall be regulated according to the date of their respective appointments. Provided always, that the Members of the said Council, being Professors in Our said College, shall, in the said Council, take precedence over and be considered as Seniors to the Members thereof, not being Professors in Our said College.

15. And We do ordain and declare, that no Meeting of the said Council shall be, or be held to be, a lawful Meeting thereof, unless four Members, at the least, be present during the whole of every such Meeting, and that all Questions and Resolutions proposed for the decision of the said College Council, shall be determined by the majority of the votes of the Members of Council present,—including the vote of the presiding Member;—and that, in the event of an equal division of such votes, the Member presiding at any such Meeting, shall give an additional, or casting, vote.

16. And We do further declare, that, if any Member of the said Council shall die, or resign his seat in the said Council, or shall be suspended, or removed, from the same, or shall, by reason of any bodily, or mental, infirmity, or by reason of his absence from the said Province, become incapable, for three calendar months, or upwards, of attending the Meeting of the said Council, then, and in every such case, a fit and proper person shall be appointed by the said Visitor, or Visitors, with the advice of the College Council, to act as, and be, a Member of the said Council, in the place and stead of the Member so dying, or resigning, or so suspended, or removed, or incapacitated, as aforesaid, and such new Member, so suspended, or incapacitated, shall vacate such his Office on the removal of any such suspension —, or at the termination of any such incapacity, as aforesaid, of his immediate predecessor in the said Council.

17. And We do further ordain and grant, that it shall, and may, be competent to, and for, the Visitor, or Visitors, for the time being, of Our said College, to suspend from his seat in the said Council, any Member thereof, for any just and reasonable cause to the said Visitor, or Visitors, appearing.

18. Provided that the grounds of every such suspension shall be entered and recorded at length by the said Visitor, or Visitors, in the Books of the said Council, and signed by him, or them; and every person, so suspended, shall, thereupon, cease to be a Member of the said Council unless, and until, he shall be restored to, and re-established in such, his station therein, by any order to be made in the premises by the said Visitor, or Visitors, of Our said College.

19. And We do further declare, that any Member of the said Council, who, without sufficient cause to be allowed by the said Visitor, or Visitors, by an Order entered, for that purpose, on the Books of the said Council, shall absent himself from all the Meetings thereof, which may be held within any six successive calendar months, shall, thereupon, vacate such his seat in the said Council.

20. And We do, by these Presents, for Us, Our Heirs and Successors, will, ordain and grant, that the said Council of Our said College, shall have power and authority, to frame and make Statutes,

Rules, and Ordinances touching, and concerning, the good government of the said College ; the performance of Divine Service therein ; the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and all matters regarding the same ; the residence and duties of the Provost of Our said College ; the number, residence and duties of the Professors thereof ; the management of the Revenues and Property of Our said College ; the salaries, stipends, provision, and emoluments of, and for, the Provost, Professors, Scholars, Officers and Servants thereof ; the number and duties of such Officers and Servants ; and also, touching, and concerning, any other matter, or thing, which, to them, shall seem good, fit and useful, for the well-being and advancement of Our said College, and agreeable to this Our Charter ; and also, from time to time, by any Statutes, Rules, or Ordinances, to revoke, renew, augument, or alter, all, every, or any, of the Statutes, Rules and Ordinances, as to them shall seem meet and expedient.

21. Provided always, that the said Statute, Rules and Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of Our said Province of Canada, or to this Our Charter.

22. Provided also, that the said Statutes, Rules and Ordinances, shall be subject to the approbation of the said Visitor, or Visitors, of Our said College, for the time being ; and shall be forthwith transmitted to the said Visitor, or Visitors, for that purpose, and that, in case the said Visitor, or Visitors, shall, in writing, signify his, or their disapprobation thereof, within six months of the time of their being so made and framed, the same, or such part thereof, as shall be so disapproved of by the said Visitor, or Visitors, shall, from the time of such disapprobation being made known to the said College Council, be utterly void and of no effect, but otherwise shall be, and remain in full force and virtue.

23. And We do further ordain and declare, that no Statute, Rule, or Ordinance, shall be framed or made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council, by the Chancellor, for the time being, of Our said College.

24. And We do require and enjoin upon the said Chancellor thereof, to consult with the Provost of Our said College, and the next senior Member of the said College Council, respecting all Statutes, Rules and Ordinances, to be proposed by him to the said Council for their consideration.

25. And We do hereby, for Us, Our Heirs and Successors, charge and command, that the Statutes, Rules and Ordinances, aforesaid, subject to the said provisions ; shall be strictly and inviolably observed, kept, and performed, from time to time, in full vigor and effect, under the penalties to be thereby, or therein, imposed, or contained.

26. And We do further will, ordain, and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such, and the like, privileges, as are enjoyed by Our Universities of Our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had, or enjoyed, by virtue of these Our Letters Patent, and that the Students in the said College, shall have liberty and faculty of taking the Degrees of Bachelor, Master, and Doctor, in the several Arts, and Faculties at the appointed times ; and shall have liberty, within themselves, of performing all Scholastic Exercises for the conferring of such Degrees, in such manner as shall be directed by the Statutes, Rules, and Ordinances of the said College.

27. And We do further will, direct, and ordain, that the Chancellor, Provost, and Professors of Our said College, and all persons admitted therein, to the Degree of Master of Arts, or to any Degree in Divinity, Law, or Medicine, and who, from the time of such, their admission to such Degree, shall pay the annual sum of Twenty Shillings, Sterling money, for, and towards, the support and maintenance of the said College, shall be and be deemed taken and reputed to be Members of the Convocation of the said University, and, as such Members of said Convocation, shall have, exercise and enjoy all such, and the like privileges, as are enjoyed by the Members of the Convocation of Our University of Oxford, so far as the same are capable of being had, and enjoyed, by virtue of these Our Letters Patent, and consistently with the provisions thereof.

28. And We, by these Presents, for Us, Our Heirs and Successors, do grant and declare, that these Our Letters Patent, or the enrolment, or exemplification thereof, shall, and may, be good, firm, valid, sufficient, and effectual in the Law, according to the true intent and meaning of the same ; and shall be taken, construed, and adjudged in the most favourable and beneficial sense, or to the best advantage of the said Chancellor, Provost, and Scholars of Our said College, as well in Our Courts of Record, as elsewhere, and by all and singular, Judges, Justices, Officers, Ministers, and other Subjects, whatsoever, of Us, Our Heirs and Successors ; any mis-recital, omission, imperfections, defect, matter, cause, or thing, whatsoever, to the contrary thereof, in anywise notwithstanding.

In Witness Whereof, We have caused these Our Letters to be made Patent.

Witness, Ourselves, at Westminster, by Writ of Privy Seal, etcetera.

VI. Letter of acknowledgment from the Provincial Secretary to Doctor Strachan.

I have the honour to receive and lay before His Excellency the Governor General, your Lordship's letter of the 7th instant, covering a Draft of a Charter of Incorporation of the University, which you desire to establish in connection with the Church of England.

I am directed by His Excellency to inform you, that he will, in compliance with Your Lordship's request, transmit the Draft in question to Earl Grey ; and, at the same time, com-

municate Your Lordship's wish that it should be substituted for the Draft of the Charter, some time since [in June, 1850,] submitted to Earl Grey by Your Lordship.

TORONTO, 17th of February, 1851. JAMES LESLIE, Secretary.

VII. DESPATCH OF THE GOVERNOR GENERAL TO THE COLONIAL SECRETARY.

I have the honour to enclose herewith the copy of a further communication from the Lord Bishop of Toronto, (page 259,) which the Provincial Secretary has received from His Lordship, since I forwarded my Despatch of the 4th instant, (Pages 256-259) and of a Draft Charter, which the Bishop desires to substitute for that which he placed in Your Lordship's hands, [on the 18th of last June, page 99] and a copy of which was transmitted to me in your Despatch, on the 29th of July, 1850. [Page 107.]

2. I do not find anything in this amended Charter, to alter the views submitted in my Despatch of the 4th instant. [Page 256.]

TORONTO, 17th of February 1851. ELGIN AND KINCARDINE

VIII. REPLY OF THE COLONIAL SECRETARY TO THE GOVERNOR GENERAL'S DESPATCH.

I have to acknowledge the receipt of your Lordship's Despatches of the 4th and 17th ultimo, [page 256 and this page] in the former of which, you transmit the Copy of a Correspondence, which has recently passed between the Provincial Secretary and the Lord Bishop of Toronto, on the subject of the proposed establishment, by Royal Charter, of an University in Upper Canada, and in the latter (the page above,) a Draft Charter, which the Bishop desires to substitute for the Charter submitted to me by His Lordship in June of last year.

2. I understand from these Despatches, and the Correspondence they enclose, to all of which I have devoted a very careful consideration, that there is no objection, on the part of the Provincial Parliament and Government, to granting the proposed Church of England College, or University, all the necessary powers of a Corporation for managing its own affairs, and also the power of granting Degrees in Divinity ; but that it is considered advisable to endeavour to raise the value of Degrees in Arts, by confining the power of granting such Degrees as nearly as possible to the University of Toronto, with which, [as proposed], the separate Colleges of different Denominations are, in connection, as King's College and University College are with the London University in this Country. It is not distinctly stated in your Lordship's Despatch, but it has been so explained to me by the Reverend Doctor Ryerson, that this policy of confining the power of granting Degrees in Arts, to the University of Toronto, has been obstructed by the existence of Denominational Colleges, having the power, under old Charters, of giving Degrees in Arts, but that the Provincial Government has been negotiating with these Bodies for the surrender of their privileges, which has been obtained, except in the two cases, [of Victoria and Queen's Colleges] referred to in the Correspondence.*

3. If I am correct in this undertaking of the case, I have no hesitation in stating that it is clearly one in which the British Government ought not to interfere, to defeat, by the Grant o a Royal Charter, the policy which is considered best for the Province by the House of Assembly, and by the Executive Council, which possesses the confidence of that Branch of the Legislature. It appears to me, therefore, that there is no ground for the interference of the Imperial Government ; and, believing the local Government and Parliament to have no indisposition to deal justly by the Church of England, I consider it better that it should be left to them to determine on what terms the proposed College, or University should be chartered, than that a Charter should be issued in this Country under Her Majesty's direct authority.

4. Your Lordship will have the goodness to communicate the substance of this answer to the Lord Bishop of Toronto

LONDON, 11th March, 1851. GREY.

(NOTE. The Despatch of the Governor General to the Colonial Secretary printed on pages 256-259 of this Chapter, in connection with the following one, gives a very graphic historical bird's eye view of the discussion and various incidents of University Question in Upper Canada from the period of its early beginnings.)

IX. DESPATCH OF THE GOVERNOR GENERAL TO THE COLONIAL SECRETARY.

1. From the tenor of your Lordship's Despatch to me, of the 11th March, Iam apprehensive that some misconception may exist in your mind respecting the proceedings which have taken

* In Letters which I received from Doctor Ryerson, then in England, he stated that he had seen Earl Grey on Departmental, and other business, and had-discussed this University matter with him, particularly in reference to the "Church University ; but, in these, there was no reference to any negotiations for the surrender of the charters of the Colleges then in operation."

place, with a view to the Incorporation of the Denominational Colleges with the University of Toronto, under the Provincial Act of 1849 : 12, Victoria, Chapter 82 ; and I think it my duty to endeavour to remove it, before communicating to the Lord Bishop of Toronto, your decision on this application for a Royal Charter for the College which he proposes to establish.

2. Your Lordship observes, that although it is not distinctly so stated in my Despatch [of the 17th ultimo,] it has been explained to you that the policy of confining the power of granting Degrees in Arts to the University of Toronto, has been obstructed by the existence of the Denominational Colleges, having the power, under the old Charters, of giving Degrees in Arts ; but that the Provincial Government has been negotiating with these Bodies for the surrender of their privileges, which has been obtained, except in two cases referred to in the Correspondence.

This view of the case is not, however, entirely accurate. Queen's College, Presbyterian ; and Victoria College, Wesleyan ; are the only Denominational Colleges, on which the privilege in question, has been conferred, and it has not yet been surrendered by either.

3. I have further to observe, that it is not strictly correct to state that Colleges Incorporated with the University of Toronto, will be placed under the arrangement now in contemplation, in relation to that Institution, precisely similar to that in which King's College and University College stand to the University of London. Looking to the very limited resources which are enjoyed by the Denominational Colleges hitherto established in Upper Canada,—(for both Queen's and Victoria Colleges, it is to be remarked, are dependent, in a great measure, on the Annual Grants of the Legislature,—(the continuance of which cannot be guaranteed,)—it has not been deemed advisable to propose, that students attached to such Incorporated Colleges, should be relieved from the necessity of keeping terms at the University, and of attending University Lectures, in order to qualify them for University Degrees. It has been presumed that the resources of these Colleges will be most advantageously employed, if they are exclusively devoted to the object of providing Religious Instruction for the youth of the Communions to which they may respectively belong. The clauses, however, of the Act establishing the University of Toronto, which relate to the Incorporation of Colleges, and of which I herewith enclose the copy, contain nothing imperative on this point. I apprehend, therefore, that if the persons interested in any Denominational College should signify a desire to affiliate it to the University of Toronto, in the way in which King's College and University College are affiliated to the University of London, and should show that the resources at their command, enable them to furnish sufficient instruction in all the necessary branches of learning, there would be no legal impediment to the consideration of such a proposition by the Authorities of the University.

4. I have thought it right to submit these explanatory remarks, before communicating the substance of your Lordship's Despatch, of the 11th March, to the Bishop, lest it should appear that your reply to his application had been written under any misapprehension of the facts of the case. At the same time, I trust that you will still be of opinion, that it is not expedient that a Royal Charter, containing such ample powers as that for which his Lordship has applied, should be granted to any Denominational College, while negotiations for the surrender of the Charters of Queen's and Victoria Colleges, are still pending. I fully expect that it will soon be in my power to appraise your Lordship of the issue of these negotiations. Meanwhile, I cannot but observe, that a decision on the application of the Lord Bishop, which might have the effect of withdrawing the Members of the Church of England generally, from all connection with the Provincial University, may be attended with serious consequences, and that it ought not to be arrived at without full consideration. They are at present largely represented in this Institution, and I much doubt whether it would prove to be eventually conducive, either to the interests of the Church itself, or to those of sound learning in the Province, that they should cease to exercise within it, an influence proportioned to their numbers and weight in the community.

Toronto, 1st May, 1851. Elgin and Kincardine.

X. The Colonial Secretary's Reply to Lord Elgin's Despatch.

I have the honour to acknowledge the receipt of your Despatch, of the 1st instant, in which you correct a misapprehension into which I have fallen in my Despatch of the 11th of last March, [page 263] respecting the proceedings which have taken place in Upper Canada, with a view to the incorporation of Denominational Colleges in that Province, with the University of Toronto.

Although I had certainly misapprehended some of the facts of the case, the representation which you have now transmitted to me, does not alter my view of the course which ought practically to be, adopted ; and I concur in the opinion Your Lordship has expressed, that it will not be expedient to grant a Royal Charter, containing such ample powers,(as the Bishop of

Toronto has applied for), to any Denominational College, while negociations are pending for the surrender of the Charter of Queen's and Victoria Colleges.*

LONDON, 30th May, 1851. GREY.

XI. THE HONOURABLE CHANCELLOR DE BLAQUIERE TO THE PROVINCIAL SECRETARY.

I am induced, as a Member of the United Church of England and Ireland in this Province, and taking a deep and abiding interest in her welfare, to request you to lay this Communication before His Excellency the Governor General.

I am informed that a Royal Charter is about to be obtained from Her Majesty the Queen, on the application of the Lord Bishop of Toronto, as, in behalf of the Church of England and Ireland in his Diocese, for the purpose of creating an exclusive Church University in Upper Canada.

I am not aware that our Church, as such, has ever been consulted, or has applied for such an Institution, and, as it is a matter deeply affecting the Civil and Religious liberty of a large section of the Inhabitants of Upper Canada, and, as the Legislature not being at present in Session, I cannot, from my place in Parliament, move for an Address to His Excellency, in order to obtain the publication of the Charter for the information of those concerned in it, before it is granted, I request His Excellency will be pleased to permit me to obtain a copy of the same.

PETER BOYLE DE BLAQUIÈRE,
TORONTO, 19th of November, 1851. Chancellor of the University of Toronto.

XII. THE PROVINCIAL SECRETARY TO DOCTOR STRACHAN.

I am directed by the Governor General to state for Your Lordship's information, that I have received a Communication from the Honourable Peter B. de Blaquière, in which that Gentleman observes, that he has been informed that a Royal Charter is about to be obtained from Her Majesty the Queen on the application of the Lord Bishop of Toronto, as in behalf of the Church of England and Ireland in his Diocese, for the purpose of erecting an exclusive Church University in Upper Canada, and requests that His Excellency will be pleased to permit him to obtain a copy of the same.

Mr. de Blaquiere states that he is induced to make this request, as a Member of the United Church of England and Ireland in this Province, taking a deep and abiding interest in her welfare; and adds, that, as the Legislature is not at present in Session, he cannot, from his place in Parliament, move for an Address to His Excellency, in order to obtain the publication of the Charter, for the information of those concerned in it, before it is granted.

His Excellency considers that it is due to your Lordship's position in the Church, and to the exertion which your Lordship has made for the establishment of an University in connection therewith, that you should be apprized of the application which has thus been made to him, before it is replied to; and I am directed by him to address this Communication to your Lordship accordingly.

TORONTO, 25th November, 1851. JAMES LESLIE, Secretary.

XIII. REPLY OF DOCTOR STRACHAN TO THE PROVINCIAL SECRETARY.

I am obliged by the Communication made to me this day, by direction of His Excellency the Governor General.

Having learnt with surprise, since my return, that the Honourable Peter B. de Blaquirère has thought proper, in a most unkind spirit, to submit to discussion, in a public Body, a slanderous Paper, reflecting unjustly upon myself, I must beg to decline making any communication for the purpose of furnishing him with information, which it may suit his conscience to ask for, on the ground of a professed interest in the welfare of the Church [of England].

But I need hardly say, that I can have no objection to His Excellency making any communication to Mr. de Blaquiere which may appear to him proper.

TORONTO, 25th of November, 1851. JOHN TORONTO.

* In an elaborate Address issued in September, 1851 by the Executive Authorities of Victoria College, there is no mention made of any negotiations with the Authorities of that College for the surrender of its Charter. In the Address it is said: "At length, within the last two years, successive Acts of the Legislature [those of 1849 and 1850] have placed the Provincial University upon a broad Christian foundation, (so far as depended upon Acts of Parliament); and we were disposed and prepared to give it our sanction and support, as far as circumstances would permit, and in accordance with the original and essential objects of our own College . . . but, after several months delay, the expectations held out for affecting this arrangement have not been realized." . . .

THE FIRST COUNCIL OF TRINITY COLLEGE, 1851.

On the 7th of February, 1851, Doctor Strachan, in a Letter to the Provincial Secretary, [page 249] requested the Governor General, Lord Elgin, to transmit to Earl Grey, the Colonial Secretary, a Substitute Draft of a Royal Charter. This Substitute Draft was enclosed by Lord Elgin to Earl Grey in Number VII [page 263], of these Letters. The Eleventh Section of this Draft Charter, [page 261], provided for the appointment of a Provisional Council for Trinity College by the Bishop. This was done by the Bishop, as the following interesting Document, relating to the establishment of Trinity College in 1850, 51, will show. It was issued by Doctor Strachan, the First Bishop of Toronto, on the 17th of September, 1851. It specifies what was to be the name of the new University College, and also who were to be the Members of its "Original Council."*

TO WHOM IT MAY CONCERN :—

JOHN, BY DIVINE PERMISSION, LORD BISHOP OF TORONTO, GREETING :—

1. WHEREAS, there has been established in the City of Toronto a College, which has been incorporated by a Statute [passed on the 30th day of August, 1851, page 248], 14th and 15th Victoria, Chapter 32, as a College, in connection with the United Church of England and Ireland, under the style and title of "Trinity College," and,—

2. WHEREAS it is provided by the said Statute that the Corporation of the said Trinity College shall consist of:

Firstly, the Lord Bishop of Toronto, or, in case of the division of the said Diocese, then the Bishops of any Dioceses into which the Diocese of Toronto may hereafter be divided :

Secondly, the Trustees of the said Trinity College, and thirdly, the College Council of the said Trinity College, not less than three in number, which said Trustees and the Members of the College Council shall be named in the first instance by the Lord Bishop of Toronto, and shall, in the event of their death, removal from the Province, dismissal from office, or resignation, be replaced by other Persons, to be named in like manner, or in such other manner as may, from time to time, be directed by any Statute of the said College to be passed for that purpose, and so on continually, forever, and,—

3. WHEREAS, at a Meeting of the Church University Board and the Medical Faculty, called by order of the Lord Bishop of Toronto, and held on the Fourth day of January, 1851, the Lord Bishop of Toronto being in the Chair, it was agreed, at the recommendation of the Lord Bishop :

"That a Provisional Council be formed, to consist of the Lord Bishop of Toronto, who shall preside at all Meetings at which it may be convenient for his Lordship to attend ; the Venerable the Archdeacon of Kingston, [Doctor George Okill Stuart], the Venerable the Archdeacon of York [Doctor Alexander Neale Bethune], and twelve Members, to serve till the University be ready to commence the business of Instruction, and that six of the twelve Members of such Council shall be chosen by the Contributors to the Church University, now present, and six, including one to represent the Medical Faculty, by the Lord Bishop, on his own behalf, and that of the Church Societies and Contributors in England."

And, at the same Meeting, the following Gentlemen were nominated and elected by the Meeting as Members of the said Council, namely :—Alexander Burnside, Esquire, Doctor of Medicine ; the Honourable Chief Justice J. B. Robinson ; the Reverend Henry James Grasett, Master of Arts ; the Honourable Chief Justice J. B. Macaulay ; John Arnold, and Lewis Moffatt, Esquires.

And, at the same Meeting, the Lord Bishop nominated the following Gentlemen as Members of the said Council, namely :—the Honourable James Gordon, the Honourable Mr. Vice-Chancellor Spragge, Philip Vankoughnet, Esquire, the Honourable Robert Sympson Jameson, the Honourable Mr. Justice Draper, and, on behalf of the Medical Faculty, Edward M. Hodder,

* This Document is taken from the "*Trinity University Review—Jubilee Number*" of June and July, 1902, pages 88, 89. This interesting Number of the *Review* contains excellent sketches of Doctor Strachan, Founder of the University, and of the early pioneers and promoters of Church of England Education in this Province. See also a Sketch of Doctor Strachan by the late Reverend Doctor Henry Scadding on pages 117, 118 of this Volume.

Esquire, Doctor of Medicine. At the same Meeting it was agreed that the following Gentlemen should be Trustees, namely:—the Reverend Henry James Grasett; George William Allan and Lewis Moffatt, Esquires. And,—

4. Whereas, at the Meeting of the aforesaid Provincial Council, held on the Ninth day of January, 1851, the Lord Bishop of Toronto in the Chair, James M. Strachan, Esquire, was nominated a Member of the said Council by the Lord Bishop, in the room and place of the Honourable Mr. Justice Draper, who had resigned the office of a Member of the Council: And,—

Whereas, at a Meeting of the said Council, held on the Fifth day of April, 1851, it was ordered that Sir Allan Napier Macnab be requested to become an Honorary Member of this Council:

5. Now know ye, that having full confidence in the ability and zeal of the Gentlemen heretofore appointed and nominated as this the First Council and Trustees of the Church University, I, John, by Divine Permission Lord Bishop of Toronto, by authority invested in me by the Act of the 14th and 15th Victoria, aforesaid, do hereby constitute, nominate and appoint the Venerable George Okill Stuart, Doctor of Divinity, and Doctor of Laws, Archdeacon of Kingston; the Venerable Alexander Neale Bethune, Doctor of Divinity, Archdeacon of York; Alexander Burnside, Esquire; Doctor of Medicine the Honourable Chief Justice J. B. Robinson; the Reverend Henry James Grasett, Master of Arts; the Honourable Chief Justice J. B. Macaulay; John Arnold and Lewis Moffatt, Esquires; the Honourable James Gordon; the Honourable Vice-Chancellor J. G. Spragge; Philip M. Vankoughnet, Esquire; the Honourable Robert S. Jameson; Edward M. Hodder, Doctor of Medicine; James M. Strachan, Esquire and Sir Allan Napier Macnab, as Members of the Council of Trinity College, and also do hereby nominate, constitute and appoint the Reverend H. J. Grasett, Master of Arts, George William Allan, and Lewis Moffatt, Esquires, Trustees for the said Trinity College.

In testimony whereof I have hereunto set my Hand and Seal this Seventeenth day of September in the Year of Grace, one thousand eight hundred and fifty-one.

[Seal.] John Toronto.

CHAPTER XXIV.

PROCEEDINGS OF THE SENATE OF THE UNIVERSITY OF TORONTO, 1851.*

January 4th, 1851. The Members present were not sufficient to form a quorum.

January 11th, 1851. Read a Letter from the Secretary of the Board of Endowment, dated the Third instant, informing the Senate of the appointment of Mr. Alan Cameron as Bursar and Secretary to the Board, in the room of Doctor Henry Boys resigned.

Read also a second Letter from the Secretary to the Board of Endowment, transmitting the names of the Sureties offered by Members of the Board. Read also a Statement of the Transactions connected with the Property and Effects of the Toronto University, from August the 13th, to December the 31st, 1850, as follows:—

Of the Investment Fund there was a	£	s.	d.
Balance in hand on August the 13th, 1850, as per Bursar's Statement, of...	4,809	4	½
Instalments on old land Sales	1,981	14	2
Government Debentures redeemed	11,605	0	0
New sales, none.			
Leases, none.			
Total	£18,395	18	2½
Invested in Government Debentures £14,500, 0, 0.			
Invested in Building for Medical Faculty £1,505, 0, 0	16,005	0	0
	£2,390	18	2½
Balance of the Income Fund transferred to this Fund, pursuant to University Statutes	£2,018	17	4
Balance in hand on the 1st of January, 1851	£4,409	15	6½

* I have only inserted in this Chapter those portions of the Proceedings of the Senate as appear to me to be of general, or public, interest. The business which had formerly been wholly transacted by the King's College Council, was, under the Baldwin University Act of 1849, partly assigned to the Senate; and partly to the Endowment Board. A special class of duties was assigned to the Caput. The Senate had chiefly to do with general University financial matters. The Endowment Board had to do with sale of the University Lands, and providing an "Income," etcetera. A large portion of its proceedings were, therefore, local and temporary.

Balance in hand as above	£4,409	15	6½
Amount on deposit	125	12	7
Balance on the 31st of December, 1850, as per Quarterly Account	£4,535	8	1½

Of the Income Fund there was a	£	s.	d.
Balance in hand on the 13th of August, 1850, as per Bursar's Statement of	4,346	7	4½
Interest on Instalments	1,051	3	3½
Interest on Investments	1,165	7	8
Interest on Promissory Notes	61	2	7½
Interest on Bank Balances	166	2	11
Dividend on Ten Shares of Bank Stock	6	5	0
Rents of leased Lots	500	8	6
Incidental Receipts	63	11	1
Fees and dues	205	16	½
Salaries repaid	539	1	1
	£8.105	5	7

Amount of Disbursements £6,086,	8,	3.	
Balance transferred to the Investment Fund £2,018,	17,	4	£8,105 5 7

Read a Letter from the Provincial Secretary, dated the Third instant, transmitting a certified copy of a Statute for compensation of certain Professors therein named, reported to His Excellency the Governor General by the Commissioners of Visitation of the University of Toronto.

Professor Doctor Lucius O'Brien, seconded by the President, moved that the Communicaation from the Endowment Board, relative to the Sureties for the Members of the Endowment Board, be referred to a Committee, and that the said Committee consist of Messieurs John McMurrich, John Cameron and James Hallinan. (*Carried.*)

The second Reading, from last year, of the Statute, relative to the Chair of Agriculture and Experimental Farm, being resumed, Mr. Joseph C. Morrison, seconded by Professor Doctor W. B Nicol, moved that the third Clause be adopted, whereupon the President, seconded by Mr. John Cameron, moved in Amendment, by way of Proviso, that not less than six acres of the University Grounds shall be appropriated for a Botanical Garden. (*Carried.*)

January 18th 1851. The Members present were not sufficient to constitute a Quorum.

January 25th 1851. No business of public importance was transacted at this Meeting.

February 1st 1851. Read the following Letter from the Honourable the Chancellor to the Vice-Chancellor, dated the Thirty-first ultimo, on the subject of the withdrawal by the Reverend Doctor James Beaven, Dean of the Faculty of Arts, of a notice of intention to introduce a Statute permitting Professors and Students to omit Lectures at times appropriated to public Religious Services ; and offering to give a Gold Medal for Excellence in " Evidences of the Christian Religion " for the present Year. The Chancellor's Letter was as follows :—

" I learn with much regret, and with feelings of extreme disappointment, that the Reverend Doctor James Beaven, Dean of the Faculty of Arts. has withdrawen the notice of his intention to introduce a Statute, permitting Professors and Students to omit Lectures at times appropriated to Religious exercises."

I view this only as to its injurious effects upon the best interests of the University, over which I have been called upon to preside ; and my utmost efforts shall be used to counteract what I consider undisguised hostility from a quarter, where our Institution. had, I think a right to look for a very different proceeding.*

I trust that the Senate will see the propriety of meeting this untoward trifling by a Declaratory Statute, giving the necessary facilities and accommodation to Ministers of Religion for Religious Instruction to Students of the University.†

There is another matter connected with this subject requiring attention :—I was under the impression, until very lately, that the Bye Law of the Faculty of Arts submitted by the Reverend Doctor James Beaven, Dean of that Faculty, to the Senate on September the Twenty-eighth last, for granting a separate Medal for " the Evidences of Religion " was to be continued ; I find that this is not the case ; and, to supply the deficiency, I request that you will be pleased to communicate to the Senate my wish to be permitted to give a Gold Medal for this purpose for the present year, subject to such stipulations and requirements as to proficiency, examinations, etcetera, as the Senate may deem it necessary to appoint. And I request that the Senate will be pleased to

*For the " undisguised hostility " of the Reverend Doctor Beaven to the University of Toronto, as constituted under the Baldwin University Act of 1849, see page 193 of the Eighth Volume of this Documentary History.

† Regulations were made in May, 1851, by the Visitation Commission for giving Religious Instruction to the Uni versity Students. See the Regulations on the subject at the end of this Chapter.

cause the necessary announcements to be made to the Professor of Moral Philosophy and Ethics, in order that he may give public notice of the same to the Students of the University.

YORKVILLE, January 31st, 1851. PETER BOYLE DE BLAQUIÈRE, Chancellor.

Mr. Joseph C. Morrison, seconded by Professor Doctor George Herrick, moved that Mr. W. Scott Burn be appointed Auditor, under the Twenty-third Section of the University Statute. (*Carried.*)

Professor Doctor W. R. Beaumont, seconded by Professor Doctor Skeffington Connor, moved, that a Return be made to the Senate of the several sums of money received from the University by each Professor during each year, from the opening of the University, distinguishing Salaries, Fees, Compensations for extra Services, and all other payments whatever, with the authorities for making the same. (*Carried.*

The Statute relative to the Salaries of certain Officers, and the distribution of Fees to Professors, was read and adopted.

February 8th, 1851. The Members present were not sufficient to constitute a Quorum.

February 15th, 1851. No business of public importance was transacted at this Meeting.

February 22nd, 1851. Read the following Letter from Robert Easton Burns, Esquire, Chairman of Commission of Inquiry to the Bursar, dated the Seventeenth instant, in reply to a Letter from the Secretary of the Commission to the Senate, dated the Twenty-seventh ultimo, stating that, in the course of two, or three, weeks the Commissioners think that they will be enabled to dispense with the services of some of the Clerks, if not of all. The Letter is as follows :—

"The Commissioners have delayed thus long in replying to your Letter of the Twenty-seventh of January last, in the hope that they would, by this time, have been enabled to say that they had either so far completed their labours, as to dispense with the services of their Clerks, or, at all events, have made a reduction in their number, affording an evidence of the work approaching to a close. This reason will, I trust, be received as an excuse for the delay, more particularly so when I tell you, for the information of the Senate, that the Commissioners now think they will be enabled, in the course of two, or three, weeks, to dispense with the services of some of the Clerks if not of all. Many difficulties, from time to time, have arisen, which could not be foreseen, and which inevitably caused slow progress in the work. The work now occupying attention chiefly is the making up of the Final Balance Sheet of the Accounts, and properly entering the necessary Cross Entries, as they are termed, in order to exhibit at one view a correct statement of the affairs and position of the funds and property of the Institution.

After this shall have been completed, the remaining work will be what the Commissioners have in their own hands, and this, we trust, will not occupy long in finishing.

TORONTO, February 17th, 1851. ROBERT E. BURNS, Chairman.

The Reverend Doctor James Beaven, seconded by the President, moved that the Secretary do write to the Honourable Peter B. de Blaquière, Chancellor of the University, in order to convey to him the thanks of the Senate for his proposition to present a Gold Medal for the encouragement of the study of the "Evidence of Natural and Revealed Religion," and to inform him that the Senate will take immediate steps to enable the Students to avail themselves of this proposition. (*Carried.*)

Resolved, That the Vice-Chancellor be authorized, and he is hereby directed, to communicate with the Honourable the Chancellor and to inquire on what grounds his statement of "undisguised hostility" to the University, on the part of the Reverend Doctor Beaven, Dean of the Faculty of Arts, is founded ; and that he be requested to report thereon to the Senate at as early a Meeting as possible. (*Carried.*)

March 1st, 1851 The Members present were not sufficient to constitute a Quorum.

March 8th, 1851. Read a letter from the Honourable the Chancellor to the Vice-Chancellor, dated the Twenty-seventh ultimo, acknowledging the receipt of a Resolution of the Senate on the subject of his charge against the Dean of the Faculty of Arts, and transmitting the following Correspondence between the latter and himself, as the ground of such charge.*

1. THE REVEREND DOCTOR BEAVEN TO THE HONOURABLE PETER BOYLE DE BLAQUIÈRE.

A Letter of yours in *The Globe* has been pointed out to me, in which you make a very unwarrantable use of my name. You argue that the Bishop could not now persist in calling the University

* I have inserted this Correspondence here for the reason that it illustrates a type of the hostility which the Baldwin University Act of 1849 encountered,—in this case under the very peculiar circumstances of the hostile action of the Reverend Doctor Beaven, one of the Professors, to the University. It was no wonder, therefore, that the Chancellor of the Toronto University brought the case under the notice of the Senate of that Institution. The charge which the Chancellor made against Doctor Beaven, was that, while continuing to be an Officer of the Teaching Staff of the University, he had expressed publicly his "entire disapproval of the very principles upon which the University was founded." There was a pathetic side to the case, however, for, as Doctor Beaven said, "I did actually resign my professorship, but, at the instance of Lord Elgin, I took advice on the subject, and acting on that advice, I remained. He adds : "I submit to the greatest mortification of my life, only because I cannot see my way clear to acting otherwise." "The Government," he said, "has not allowed me adequate compensation upon which to retire."

"godless," because I continue to hold office in it; whereas, the only reason why I continue now to hold office is, on account of that which I continued at the beginning of last year, namely, that the Government has not allowed me any adequate compensation upon which to retire, and Providence has not opened for me any other sphere of action. I am so far from being satisfied that Religious Instruction "can be satisfactorily given" in the University of Toronto, that I am quite satisfied it can never be given satisfactorily, so long as all its students are not trained in the system of the Church of England.

What bearing the division of Moral Philosophy into Metaphysics and Ethics can have on Religious Instruction, I am really at a loss to understand; certainly it was not made with any such view; and I find it so inconvenient, that I intend to endeavour to have the separation set aside. There is no separate Prize, or Medal, "instituted" for "Evidences;" it was only provided for in the past years.

The Statute, of which I gave notice, did not intend to provide "That Lectures should not be allowed to interfere with the giving of Religious Instruction," as you might easily have seen, if you had read the notice carefully; but, whatever was its object, I do not intend to persevere with it.

With regard to both this and the preceding business, I think it much to be regretted that you did not make yourself accurately acquainted with the subjects, before you wrote for public information respecting them.

And knowing, as you do, that I have repeatedly, in your presence, and that of the Senate, expressed my entire disapproval of the very principles, upon which the University is founded, and that I have, more than once, publicly expressed my sympathy with the Bishop's plan, I think I have strong ground of complaint against you, for using my name to sustain the character of an Institution which I abominate, and to prevent the establishment of that which I desire to see, although I have no prospect of being connected with it.*

TORONTO, January 15th, 1851. JAMES BEAVEN.

2. REPLY OF THE HONOURABLE P. B. DE BLAQUIÈRE TO THE REVEREND DOCTOR BEAVEN.

I beg to acknowledge your Letter of the Fifteenth instant. I am not sensible that I have made any "unwarrantable use of your name." It by no means follows, that I rested the character of the Toronto University, (as adapted to, and harmonizing with, Religious Education suitable for Upper Canada,) exclusively, or even mainly, upon your continuing as a Professor attached to it. I brought the fact forward as illustrative, and as affording to most minds, my own amongst the number, a conviction, that Religion was not excluded from the Institution, as the Professor of Divinity of King's College still adhered to it,—however strongly he was supposed to feel upon the subject of Religious Education, and introduced measures tending to establish its Religious character.

My argument might equally have been aided had I referred to the Reverend Doctor McCaul,† or to the Reverend Professor Murray, as to yourself. But, assuredly, it never for a moment entered my thoughts, that a Minister of Religion, who, it now appears, like you, holds "the University in abomination", could, under any circumstances, remain as one of its Professors.

I make no observation upon this, nor will I enter upon, or analyze, the views with which you introduce measures to the Senate, which, you allege, were not for the purpose I supposed, and stated them to be. I thought, and still consider, that they were adapted to develope Religion in the Institution, notwithstanding I entirely disapproved of the manner in which they were introduced; the statements, on your part in the Senate, which preceded their introduction; (to which I suppose you allude,) and I would, at the time, have told you so, had I been in any way consulted before the step was taken.

I entertained the apprehension that they were so injudicious as to induce the rejection of your "Bye-Law" by those who would, I think, otherwise have readily acceded to it; Indeed, I am now aware, that such is the fact, as to one of the three Dissentients to your Bye-Law; and I believe the dissent of the other two arose from the same cause. So strong were my feelings at the time, as to the probable result, which, if realized, would unquestionably have stamped the University with the character attempted to be fixed upon it by the Bishop of Toronto, and those who think with him, that I had made up my mind to resign my situation as Chancellor the very instant your Bye-Law was rejected; and I communicated this resolution to Doctor McCaul at the time, and long before the subject was taken up by the Senate. Had that event occurred I should have considered you as the immediate cause.

Of course, you are at perfect liberty to sympathize with, to approve of, or to forward, by any means you think proper to adopt, the measures intended by the Bishop to vest a despotic University, continually without control, under the name of a "Church University." For my part I cannot find language sufficiently strong to reprobate both the attempt and the manner in which that attempt has been so insidiously conducted.

YORKVILLE, January 18th, 1851. PETER B. DE BLAQUIÈRE.

* See note on page 268 of this Chapter in regard to the Reverend Doctor Beaven's hostility as expressed in his remarks, as inserted in the Minutes of the King's College Council of the 24th of April, 1849, page 193 of the Eighth Volume of this History.

† For Doctor McCaul's views in regard to the Baldwin University Act of 1849, see pages 195, 196 of the Eighth Volume of this Documentary History.

3. The Reverend Doctor Beaven to the Honourable Peter B. de Blaquière.

I am sorry that you cannot perceive that you have made an unwarrantable use of my name; a fact, which I imagine most persons would see very clearly, and what I know has been seen by many. I fully agree with you that it would have been to a certain extent the same, if you had employed the names of the Reverend Doctor McCaul and of the Reverend Professor Murray; for you would have used their names to bolster up a state of things which they disapprove; and such a use of them would have been unwarrantable. The difference is, that mine is a stronger case, and you ought to have felt that it was stronger;—that you were doing me a greater wrong by such a use of my name; and that you ought to have felt, that such a use of my name was a wrong to me. I am sorry to write to you in this way, for I respected you a good deal before you came amongst us.

You have added to the wrong, by casting upon me the blame of the disposition of the Senate to reject the Evidences of Religion By-law, when all I did was to endeavour to make them understand exactly what it was that I proposed to them.

You have added to it still further, by insinuating that I do a thing inconsistent with my character as a Clergyman, in remaining in the University with my present views. It is fortunate for me that most persons are more candid, and do me the justice of confessing, as I do, that I submit to the greatest mortification of my life only because I cannot see my way clear to acting otherwise. I trust that you may never be placed in so painful a position.

You are perhaps not aware that I did actually resign my Professorship in August, or September, last; but, at the instance of Lord Elgin, I took advice on the subject, and, acting on that advice, I remained. Many persons know well that, but for the advice of friends, I should have retired more than a year ago.

Toronto, January 20th, 1851. James Beaven.

Read a Letter from the Honourable the Chancellor to the Secretary to the Senate, dated the Twenty-seventh ultimo, stating, for the information of the Senate, that, in conformity with the Twenty-third Sectionof the University Act of 1849, he had appointed Mr. Thomas G. Ridout, Cashier of the Bank of Upper Canada, to be one of the Auditors for the Examination and Audit of the Accounts of the University.

The Statute to terminate the Commission of Inquiry into the Affairs of King's College, appointed by the Council of King's College on the 20th of July, 1848,* was considered and adopted.

March 15th, 1851. The Members present were not sufficient to constitute a Quorum.

March 22nd, 1851. Read a Letter from the Honourable the Chancellor to the Secretary to the Senate, dated the Eleventh instant, approving of the Statute for the granting of a Medal to be given by him as a Prize for "Evidences of Natural and Revealed Religion."

The second reading of the Statute relative to the Matriculation Examination of the Students in the University being resumed the President, seconded by Doctor James H. Richardson, moved that the said Statute be discussed. (Carried.) The various Clauses were then respectively carried, and the Statute was adopted. The Statute relative to the Fees payable by Students was considered, amended and adopted.

Professor Doctor W. B. Nicol, seconded by Professor Doctor James H. Richardson, moved That the Vice-Chancellor, The President, The Reverend Doctor James Beaven, Doctor W. C. Gwynne and Mr. Joseph C. Morrison, be appointed a Committee to enquire into the duties, salaries, and Emoluments of the inferior Officers and Servants of the University.

The subject of the Correspondence between the Honourable The Chancellor and the Reverend Doctor James Beaven, Dean of the Faculty of Arts, being taken up,—

Professor Doctor James H. Richardson, seconded by Mr. John Roaf, Junior, moved that a Committee be appointed to enquire into the conduct of, and expression of feeling towards the University on the part of the Reverend Doctor James Beaven, Dean of the Faculty of Arts, particularly, as manifested in the late Correspondence between him and the Honourable The Chancellor, on matters connected with the University and now brought under the notice of the Senate, and that the Committee be composed of the Vice-Chancellor, the President and the Deans of the Faculties of Law and Medicine. (*Carried.*)

March 29th, 1851. Read the following Letter from the Secretary of the Commission of Inquiry, dated the Twenty-second instant, transmitting a copy of four Resolutions passed by the Commissioners at a Meeting held on that day having reference to a Statute of the Senate of the Eighth instant, terminating the Commission on the First proximo.

"I have been instructed by the Commission of Inquiry into the Affairs of King's College University and Upper Canada College to transmit to you, for the information of the Senate of the University of Toronto, the enclosed four Resolutions passed by the Commissioners at a meeting held by them this day.

Toronto, March 22nd, 1851. Frederick Rogers, Secretary.

* See pages 236, 237 of the Seventh Volume of this Documentary History.

RESOLUTIONS PASSED AT A MEETING OF THE COMMISSIONERS OF KING'S COLLEGE INQUIRY, ON MARCH 22ND, 1851.

Resolved, 1st. That the Senate of the University, having, on the Eighth instant, passed a Statute, ordering that, from and after the First proximo, no further payments be made from the funds of the University, on account of the Salaries of Clerks in the service of the Commission, or for any other purpose connected with the Inquiry, in which the Commissioners are engaged. The Commissioners are, therefore, compelled to discharge all persons at present in their employment.

"*Resolved*, 2nd. That, as the difficulties which the Commissioners have had to encounter, in the prosecution of their inquiry, and by which, its duration, despite their utmost efforts to accelerate the work has been protracted beyond their own expectations and wishes, have arisen from the unparalleled irregularity of the University Accounts, and the discrepancy of its Records; the Commissioners can see no just grounds for the further retardation of the Inquiry by the Senate, in the enactment of the Statute above referred to; especially when, (as the Senate has been recently apprized by the Chairman,) the work is on the eve of completion.

"*Resolved*, 3rd. That, notwithstanding the obstructions cast in their way by the passage of the Statute above referred to, the Commissioners will, at their own personal inconvenience, and pecuniary sacrifice, if required, continue the work and bring it to a close, at the earliest possible date.

"*Resolved*, 4th. That, as the Chairman of the Commission, the Honourable Judge Robert Easton Burns, is about to leave this City, for the purpose of attending to his judicial duties. it is expedient, that, in his absence, the labours of the Commission be conducted by the resident Commissioner, Doctor Joseph Workman, who will take such measures for the prosecution of the work, as may, from time to time, by the said resident Commissioner be found expedient, with a view to the earliest possible completion of the enquiry."

Read the Report of the Committee appointed to inquire into the conduct of and expression of feeling towards the University on the part of the Reverend Doctor James Beaven, Dean of the Faculty of Arts, particularly as manifested in the Correspondence between him and the Honourable the Chancellor, on matters connected with the University and brought under the notice of the Senate. (The Report was received).

Mr. John Roaf, Junior, seconded by Professor Doctor W. R. Beaumont, moved that the Chancellor be requested to call a Special Meeting of the Senate for the purpose of considering the Report just submitted, and of hearing any statement which the Dean of the Faculty of Arts may desire to make thereon. (*Carried.*)

April 5th, 1851. The Members present were not sufficient to constitute a Quorum.

April 12th, 1851. This Meeting having been specially summoned to take into consideration the Report of the Committee appointed to enquire into the conduct of the Reverend Doctor Beaven, Dean of the Faculty of Arts, it was moved by Professor Doctor James H. Richardson, seconded by Mr. John Roaf, Junior, that the said Report be adopted; the President, seconded by Doctor J. J. Hayes, moved in amendment, that the said Report be permitted to lie on the Table; with the understanding, that the further consideration of the Report could be resumed at any future Meeting, four days special notice thereof having been previously given. (*Carried.*)

(NOTE.—This Report was not among the available University Papers.)

The following is a Statement of the Transactions connected with the Property and Effects of the Toronto University for the quarter ended the Thirty-first of March, Eighteen Hundred and Fifty one, which was laid before the Senate by the Bursar:—

Receipts from the Investment Fund.

	£	s.	d.
Cash in hand on the 31st of December, 1850, per Statement	4,409	15	6½
Instalments on sales of Land	1,296	2	1
Government Debentures redeemed	47	14	..
	£5,753	11	7½
Payment on account of the Building for the Medical Faculty	50	..	..
Balance in hand on the 31st of March, 1851	£5,703	11	7½

Receipts from the Income Fund.

	£	s.	d.
Interest on purchase money	1,008	16	4
Interest on Promissory Notes	28	19	6½
Interest on Mortgages	60	..	..
Interest on Government Debentures	257	17	..
Rents of leased lots	496	18	5
Fees and dues	29	..	..
Fees on Legal Instruments	24	7	..
Insurance returned	24	6	7
University Grounds	42	10	..
Law costs. £9. 1, 11 : Prize fund, £4, 15, 6	13	17	5
Sales of Timber, 10/0 ; Postage returned, 1/1	..	11	1
Wellington Scholarship, £91 ; Dividend on Bank Stock £7, 10s	98	10	..
	£2,085	13	4½
Amount of disbursements as per account	2,127	18	3
Balance on hand	£42	4	10½

April 19th, 1851. The Members present were not sufficient to constitute a Quorum.

April 26th, 1851. The Members present were not sufficient to constitute a Quorum.

April 30th, 1851. Read a Memorial of Doctor Gabor Naphegyi, late assistant Professor of Chemistry and Botany at the Royal University of Pesth, in Hungary, offering his services to the University of Toronto. Professor Doctor Lucius O'Brien, seconded by Professor Doctor W. C. Gwynne, moved that it be,—

Resolved, That the Memorial of Doctor Gabor Naphegyi be referred to a Committee, consisting of the Faculty of Medicine, and the President of the University, with a view to their examining into the facts set forth in the Memorial, and reporting thereupon, more particularly as to the expediency of taking immediate action in the establishment of a Botanical Garden upon the University Grounds set apart for that purpose. (*Carried.*)

The President, seconded by Professor Doctor W. C. Gwynne, moved that a Committee be appointed to report, by Statute, or otherwise, on the accommodation which the University at present possesses for conducting the business of the different departments of its work ; also, whether any, and what, additional accommodation is required, and the best mode of providing the same ; and that the Committee be requested to confer with the Members of the Board of Endowment as to the supply of the necessary funds,—that the following be Members of this Committee,—Vice-Chancellor Larrett W. Smith, President McCaul, the Deans of the Faculties of Medicine and Arts, Professor Doctor W. C. Gwynne, Doctor J. J. Hayes and Mr. John Cameron. (*Carried.*)

May 7th, 1851. Read the Report of the Committee to which had been referred the Draft of a Statute, relative to the Chancellor's proposed Medal for encouraging the Study of the "Evidences of Natural and Revealed Religion," and the Draft of a Statute, as amended by them.

Read the following Report of the Committee appointed to enquire into the accommodation at present possessed, or required, by the University for its different departments :

The Committee, to whom it was referred to inquire regarding the accommodation at present possessed, or required, by the University for its different departments, beg leave to report,—that there are at present three Buildings, in which the business of the Institution is conducted, videlicet : The East Wing on the University grounds, the new Medical Building, and the House rented from Mr. George Ridout. In the first of these, that is, the East Wing, all the Lectures in the Faculties of Languages and Arts are delivered, and some of those in the Faculty of Medicine. In it the Examinations are held, and Rooms are set apart for the Library, the General Museum, the Philosophical Apparatus, and the Chemical Laboratory and Apparatus. On examination of the size of the Rooms appropriated for these purposes, the Committee find, that they are wholly inadequate, even for the present wants of the Institution,—the largest being only about Twenty-three feet by Fifteen.

The new Medical Building supplies sufficient accommodation for five of the Courses of Lectures in that Faculty, containing convenient Lecture Room, Dissecting Room, Anatomical Museum, Professors' and Curators' Rooms and Apartments for an Attendant, and his family, in charge of the Building. In Mr. Ridout's House the Meetings of the Convocation, the Senate, the Caput, and the Endowment Board are held. Here also, as in the East Wing, the accommodation is wholly inadequate to the present wants of the Institution,—the largest room being only about Twenty-three feet by Eighteen.

The Committee are, therefore, unanimously of opinion, that the interests of the University require, that immediate measures should be taken to remedy the great inconvenience, which is at present felt, from the want of sufficient accommodation for the different departments of the University.

They would, with this view, recommend, that the East Wing should be applied to other purposes, for which it may be better suited, by the large number of small Rooms, which it contains, and that a Building, or Buildings, should be erected on the Grounds in the neighbourhood of the East Wing, forming a part of a general plan to be hereafter fully carried out, as the wants of the Institution may require, and the State of its funds may permit.

The principal accommodation, which should be provided comprehends a Library and Museum, each about Fifty by Thirty, or Twenty-five, feet in size, a Hall about Seventy-five feet by fifty: six Lecture Rooms, of which five should be capable of accommodating about one hundred auditors, and one of sufficient dimensions for three hundred, or four hundred, a Senate Chamber about Thirty feet by Twenty-four; a Laboratory about Thirty by Twenty-four feet, with four smaller Rooms attached, a Room for Philosophical Apparatus, and one, or two, anterooms connected with each of the above mentioned large apartments.

The Committee beg leave to subjoin the Draft of a Statute, in which they have embodied the foregoing recommendations of their Report.

TORONTO, May 3rd, 1851. JOHN MCCAUL, Chairman.

THE FOLLOWING IS THE COMMITTEE'S DRAFT OF A PROPOSED UNIVERSITY STATUTE:—

WHEREAS it appears that great inconvenience is felt for the want of Rooms of sufficiently large dimensions for conducting the business of the University, and that its interests will be mutually promoted by providing, without delay, accommodation commensurate to its wants.

Be it enacted by the Senate of the University of Toronto:

First. That the Endowment Board, having first secured an Income sufficient to meet the fixed and estimated annual charges of the University, and also to provide a Salary for the Professor of Agriculture, and that proportion of the salary of the Chairman of the Endowment Board, which may devolve upon the University, be, and are hereby, authorized to raise the sum of Twenty Thousand pounds, (£20,000,) in order that such portion thereof, as may be deemed necessary, may be applied to the purpose of Building in the neighbourhood of the East Wing. (*Carried.*)

Second. That the Building Committee shall advertise for Plans, and take such other action as they may seem to them expedient, with a view to providing, with as little delay as possible, the necessary additional accommodation.

Third. That when a Plan shall have been approved by the Building Committee, the said Committee shall advertise for Tenders for the erection of the Building, or Buildings, according to the Plans. (*Carried*)

Fourth, That when the Tender shall have been accepted by the Committee, it shall be the duty of the Solicitor of the University to take care that the necessary Contract, with proper Securities for the due performance of the same, be executed by the parties; and the work shall then proceed under the direction of the Building Committee. (*Carried,*)

Fifth. That the aforesaid Committee be authorized, from time to time, to draw on the Chairman of the Endowment Board for such sums as should be paid during the progress of the Building. (*Carried.*)

Sixth. That the following shall be the Members of the Building Committee.—The Reverend Doctor James Beaven, Professor of Metaphysics and Ethics; the Professors of Chemistry, of History and Physiology, of Materia Medica, and also Doctor J. J. Hayes, and Mr. John Cameron. (*Carried.*)

Read the Report of the Board of Endowment, in accordance with the Twenty-second Section of the University Act of 1849; and the Bursar laid on the Table the Accounts of the University for the year Eighteen Hundred and Fifty, together with those from the Thirteenth of August, (on which day the Board was fully constituted,) to the Thirty-first of December, Eighteen Hundred and Fifty.

(*Note.* The Financial Report for the year 1850 is not available.)

Professor Doctor W. B. Nicol, seconded by the Reverend Doctor Beaven, moved that the Statute reported by the Committee on Building be read. On motion of Professor Doctor Lucius O'Brien, seconded by Mr. Joseph C. Morrison, the Report was adopted.

The Reverend Doctor James Beaven, seconded by Professor Doctor W. B. Nicol, moved that the report of the Committee on the Medal for the "Evidences" of Religion be received and adopted. (*Carried.*)

Professor Doctor W. C. Gwynne, seconded by the President, moved that the Report of the Endowment Board be referred to a Committee consisting of the Vice-Chancellor, the President and the Deans of the several Faculties of Arts, Law and Medicine. (*Carried.*)

May 14th, 1851. The Statute on Building having been reconsidered, Mr. Joseph C. Morrison, seconded by Mr. David Buchan, moved the following in substitution of the First Clause of the Statute, as concurred in on the 7th instant. [This page above.]

That the Endowment Board be authorized, and they are hereby required to raise, from time to time, by the sale of such Lands as may seem to them expedient such sum, or sums, as may be necessary to render the Income Fund of the University adequate to meet all sums now chargeable, or that may hereafter become chargeable thereon; and upon the execution of the Contract, as by this Building

Statute directed, the said Endowment Board are further required, upon the Requisition of the Building Committee of the Senate, hereby appointed, to raise, by sale of Lands, or otherwise, such sum, or sums, not exceeding in the whole Twenty Thousand pounds, (£20,000,) as may be certified by the Building Committee to be necessary for the completion of the works hereby authorized, at such times as may be necessary to enable the said Committee to fulfil such Contract as may be entered into as aforesaid,—any Statute, or Order, to the contrary notwithstanding. (*Carried.*)

On motion of the President, seconded by the Vice-Chancellor, the Statute, as amended, was adopted.

The Statute relative to the Honourable the Chancellor's proposed gift of a Gold Medal for the encouragement of the Study of the "Evidences of Natural and Revealed Religion," having been read, the various Clauses, the Preamble and Title were respectively carried unanimously, and the Statute was adopted.

The Statute to establish a Cycle for the retirement of the Crown and College additional Members of the Senate was adopted.

Mr. Joseph C. Morrison, seconded by Doctor J. J. Hayes, moved that the Commission of Visitation be requested to pass a Statute, fixing the amount of Salary payable to the Chairman of the Endowment Board, and to define his duties; and that the Secretary communicate this Resolution to the Secretary of the Visitation Commission. (*Carried.*)

The Statute relative to the Salary of the proposed Professor of Agriculture, fixing the Salary at Two Hundred and Fifty pounds, (£250,) per annum, was adopted.

May 21st, 1851. Read the following Report of the Committee to which had been referred the Memorial of Doctor Gabor Naphegyi.*

The Committee on the Memorial of Doctor Gabor Naphegyi, conformably to the desire of the Senate, that they should state the grounds of the recommendation contained in their Report of the Twenty-seventh instant, present a brief view of their proceedings:—

On the Thirtieth of April last, the Resolution was passed by the Senate, whereby the Committee was appointed; and, on the Second of May, the Committee held their first meeting, at which four Members of the Committee were requested to call on the Memorialist, and converse with him on Scientific subjects, with a view to ascertaining the expediency of assenting to the prayer of his Memorial. At the next meeting of the Committee, the grounds of a claim, which, it was understood, Doctor Naphegyi had both publicly and privately advanced to the invention of the hyalotype process, were discussed.

On this subject, it appeared to the Committee that the merit of this invention was due to Messieurs Larghim of Philadelphia, and indeed a perusal, subsequently, of one of the newspapers testimonials in the German Language, contained in the album of the Memorialist, it was ascertained that he had, on the occasion referred to in that paragraph, exhibited slides made by those Gentlemen. Certain documents presented by Doctor Naphegyi were also taken into consideration; among others a Diploma, in the Hungarian language, of the University of Pesth. To this an English translation was affixed; but even, with this aid, the Committee was unable to pronounce any opinion on the Document, as there were some obvious discrepancies between the original and the translation, which they could not understand. At that Meeting a sub-Committee of Doctors Croft, Gwynne, King, Nicol and O'Brien was appointed for the purpose of examinining into Doctor Naphegyi's qualifications, particularly for the discharge of the duties which he had stated he was willing to undertake. An enquiry into his plans for establishing a Botanic Garden was made, and Doctor Naphegyi stated that the Garden might be enriched, through his instrumentality, by various specimens obtained in exchange from European collections and mentioned that he had lately found, near the Whirlpool in the Niagara River, a very valuable plant, which would command a high price in Europe, namely the *Rafflesia Arnoldii*; the well known parasitic plant, discovered in Sumatra, and found only in that and the adjoining regions, He also proposed to increase the income of the Botanic garden, by employing part of it as a Nursery Garden, more especially for the production of the Saffron of Commerce, by the cultivation of the *Colchicum Autumnale*, a plant which has no other connection with the former than the accidental similarity of its common English name, Meadow-Saffron.

He also touched on the difference between the Artificial and Natural Systems of Botany, in a manner which induced doubts, that have since been confirmed by his answer to a direct question on the subject. With reference to his qualifications for Curator of the Museum, he offered to prepare artificial minerals, and also to model in wax. The Sub-Committee were unable to test the practical knowledge of Doctor Naphegyi in these departments, as fully as they desired, in consequence of an accident by which his hand was injured. Later, however, he was able to exhibit a preparation in wax, of which it is sufficient to state, that such preparations do not appear calculated to offer any advantage in either the Museum, or the Lecture Room.

It was then decided that a short paper, containing simple questions in Botany, should be prepared, and that the Memorialist should be requested to give written answers to them.

These questions were prepared and handed to Doctor Naphegyi, through the President, who assented to Doctor Naphegyi's desire to write the answers in German, as he expressed apprehensions

* I insert the Report of the Committee on this subject because of the special interest which the case of Doctor Naphegyi excited in Toronto at the time.

of falling into some error in consequence of his imperfect acquaintance with the English language. His answers were submitted to Professor Croft, who made an English translation of them, as far as he could decypher them. This translation was subsequently placed by him in the hands of Mr. Hirschfelder, who, although he could not offer any explanation of the portions which Professor Croft had been unable to decypher, yet fully concurred in the accuracy of the translation which had been given of the other parts. The Committee beg to subjoin copies of the Questions and Answers, which, they are persuaded will furnish conclusive evidence, that no benefit could result from the employment of Doctor Naphegyi's services in the department of Botany.

At a subsequent Meeting the Committee, having taken a review of the whole proceedings, were of opinion that further investigation was unnecessary ; and influenced by motives, which, they trust, will now be properly appreciated, decided on presenting the brief Report which was submitted to the Senate, on the same day.

TORONTO, June 4th, 1851. LUCIUS O'BRIEN, Chairman.

The Vice-Chancellor, seconded by Professor Doctor James Richardson, moved that the said Report be received. (*Carried.*)

It was also moved, that the said Report be adopted ; whereupon Mr. Joseph C. Morrison, seconded by Mr. John Cameron, moved in amendment, that the said Report be referred back to the Committee, for the purpose of having the reasons stated why the Committee cannot recommend the Memorial to the further consideration of the Senate specifying when and by whom the examination was made and upon what branches. (*Note.* The Minutes of the Senate do not state what was done with this amendment.)

Professor Doctor John King, seconded by the Honourable Doctor Christopher Widmer, moved in amendment, that the Questions proposed by the Committee to Doctor Gabor Naphegyi through the President, and the Answers to them be read to the Senate, for their guidance and information, and that the said Questions and Answers be placed upon the Minutes of the Senate. (*Carried.*)

(NOTE. These Questions and Answers being very voluminous, and of an entirely scientific character, are not inserted here.)

In accordance with Statute number Thirty, establishing a Cycle for the retirement of the additional Crown and Collegiate Members of the Senate, the Honourable the Chancellor proceeded to carry out its provisions, and announced that the following Members, having the lowest numbers drawn, should vacate their Seats on the first of June next, namely ;—

Crown Members.	*Collegiate Members*
The Honourable Christopher Widmer, M. D.	Mr. John Cameron.
The Honourable Henry Sherwood, Q. C.	Mr. John Roaf, Junior.

The Statute to amend the third Clause of Statute Number Fourteen having been read a second time, the Preamble and Title were then respectively carried and the Statute adopted.

May 26th, 1851. The Members present were not sufficient to constitute a Quorum.

May 28th, 1851. Read a Letter from the Honourable the Chancellor to the Secretary of the Senate, transmitting for the information of the Senate a certified Copy of certain Statutes, Chaptered respectively One, Two, Three, and Four, reported to His Excellency the Governor General by the Commissioners of Visitation of the Toronto University, and approved by him, each bearing the signature of the Honourable the Provincial Secretary.

(*Note.* Neither this Letter nor Copies of the Statutes named are available.)

Read a Letter from the Honourable the Chancellor to the Secretary of the Senate, enclosing the following Letter from the Honourable the Provincial Secretary, notifying the acceptance by His Excellency the Governor General of the resignation of the Honourable Francis Hincks of the Office of Chairman of the Endowment Board, and the appointment by His Excellency of Mr. David Buchan to that Office ; also, of the acceptance by His Excellency of the resignation of Mr. David Buchan as one of the Crown Members of the Senate. The following is the Provincial Secretary's Letter :—

I have the honour, by command of the Governor General to acquaint you, (for the information of the proper authorities of the University of Toronto,) that His Excellency has been pleased to accept of the Honourable Mr. Hincks' resignation of his office as Chairman of the Endowment Board of the University of Toronto and the Upper Canada and Royal Grammar School, and that His Excellency has also been pleased to accept of Mr. David Buchan's resignation of his office as a Crown Member of the Senate of that University ; and that His Excellency has been pleased to appoint the latter named Gentleman to the office of such Chairman aforesaid. Mr. Buchan has been instructed to transmit to me the names of his necessary Sureties, with a view to their being submitted to the Senate of the University, and to the Council of Upper Canada College, for their approval, as required by the Statutes of the University.-

TORONTO, May 23rd 1851. JAMES LESLIE, Secretary.

Subsequently Mr. Buchan named Messieurs David Paterson and William McMaster, Merchants, Toronto, as his Sureties

The Secretary of the Senate laid on the Table a Statement of all the Sums received by Professors from the University to the Thirty-first of December, 1850, in accordance with a Resolution of the Senate of the First of February, 1851.

(NOTE. This Statement was not found by me among the University Papers.)

The consideration of the Case of the Reverend Doctor Beaven, Dean of the Faculty of Arts, having been resumed. (The Reverend Doctor Beaven retired) Mr. John Roaf Junior, seconded by Professor Doctor James Richardson, moved that the Report of the Committee, respecting the conduct of the Reverend Doctor James Beaven, Dean of the Faculty of Arts be taken up and adopted. Whereupon The President, seconded by Doctor J. J. Hayes, moved, in amendment, that, in consequence of the lateness of the hour at which this motion has been brought forward, and the previous withdrawal of several Members of the Senate, it is not expedient to decide on so important a subject at present, but that it shall be the first item on the order of the business for the first Special Meeting after that called for Saturday next. (*Carried.*)

May 31st, 1851. The Senate proceeded to the election of a Vice-Chancellor for the ensuing year. Professor Doctor John King seconded by Doctor J. J. Hayes moved that Professor George Herrick M.D. A.B. be the Vice Chancellor for the ensuing year, whereupon Professor Doctor Skeffington Connor, seconded by Professor Doctor W. R. Beaumont, moved that Doctor Croft be re-elected Vice-Chancellor for the ensuing year. (*Carried*)

June 4th, 1851. The Members present were not sufficient to constitute a Quorum.

June 11th, 1851. The Members present were not sufficient to constitute a Quorum.

June 18th, 1851. The Members present were not sufficient to constitute a Quorum.

June 25th, 1851. The Members present were not sufficient to constitute a Quorum.

July 2nd, 1851. The Members present were not sufficient to constitute a Quorum.

July 9th, 1851. The Members present were not sufficient to constitute a Quorum.

July 16th, 1851. The Members present were not sufficient to constitute a Quorum.

July 23rd, 1851. The Members present were not sufficient to constitute a Quorum.

July 28th, 1851. The Members present were not sufficient to constitute a Quorum

August 1st, 1851. Read a Letter from the Honourable the Chancellor to the Secretary of the Senate dated the Thirty First of May, 1851, transmitting a Letter from the Provincial Secretary of the same date, submitting, for the approval of the Senate, the names of Messieurs David Paterson and William McMaster of Toronto, Merchants, as Sureties for Mr. David Buchan, Chairman of the Board of Endowment.

Read a Letter from the Honourable the Chancellor to the Secretary of the Senate, dated the Twenty-fifth of June, 1851, transmitting a Letter from the Provincial Secretary, requiring a Tabular Return of all Fees, etcetera, paid to Professors, according to an extract from a Resolution of the Legislative Assembly of the 18th of June, 1851, attached to the Letter.*

(NOTE. None of these University Senate Documents are available.)

Read a Letter from the Honourable the Chancellor to the Secretary of the Senate, dated the Second of July, 1851, enclosing the following Letter from Mr. David Buchan, the Chairman of the Endowment Board, dated the First of July, on the subject of the fees payable to the Members of the Board, and to the Secretary of the Senate, when there is no Quorum of the Board, or Senate, present:—

I am desired by the Endowment Board to communicate with the Senate on the following subject:

1. By Statute of the Senate, Number Ten, Section Nine, it is provided:—

"That the University Members of the said Endowment Board shall each be paid the sum of Twenty-five shillings, [$5] per diem for each day's actual attendance at the Meetings of the Board,

2. In complying with this enactment, the question arose at a very early date, whether the phrase, "actual attendance at the Meetings of the Board" necessarily implied that there must be a Quorum of the Board on each occasion, to entitle a Member, or Members, to the allowance; and whether, when a Member had left his own business affairs and came to the Office of the Board, at the hour of Meeting, prepared to perform his duty, he was not as much entitled to the allowance made, as if there had been a Quorum present. The decision come to by the Board, I am informed, was, that, in such a case, the requirement of the Statute had been complied with; and that, if only one Member presented himself, and thus no regular business could be transacted, such Member was entitled to, and should receive, the allowance. While they arrived at this conclusion, and, while they think it both reasonable and just, some of the Members have felt rather doubtful as to their right to the fee, lest, in putting such an interpretation on the Statue, they may be really acting contrary to the intentions of

*See Proceedings of the House of Assembly, page 228 of this Volume.

the Senate. The Board, therefore, think it is their duty to make the Senate aware of their practice, lest any future misunderstanding should arise out of it.

3. To show, however, that the matter, practically, is one of small importance as regards expence, I will take the last six months as an example. During that time there have been altogether Fifty-seven Meetings minuted in the Book. At all, of these, except nine, Quorums have been present; and, with regard to the nine, at which Quorums were wanting, at only three of these does it appear that an adjournment was made without business of importance being done. In three instances, accounts were gone over;—in a fourth, a large number of Deeds were sealed; in another, orders were given, necessary for the protection of the Property of the Institution; and in a sixth, a conference was had with the Solicitor.

4. This further view is to be taken of the case;—It is certainly of importance to the well-working of the Board, and tends to the insurance of a Quorum, that Members feel sure of indemnification for their time and trouble, and the neglect of their own business, incurred in going to the Meetings, whether there is a Quorum, or not. Under an opposite interpretation than that arrived at by the Board, there would be great danger of the business falling behind, through the frequent failure to obtain a Quorum; and, as I am exceedingly anxious, as an individual Member, to push forward the business of the Board, I trust that the Senate will forgive me for intreating that they shall not put on their Statute a less liberal interpretation than that on which the Board have been acting.

5. In connection with this subject, I am further instructed to request the attention of the Senate to the Third Clause of Statute A,* by which it is enacted:

"That the Secretary (of the Senate) shall be paid out of the funds of the University the sum of One pound per diem for each day's attendance at the actual Meetings of the Senate."

6. In this case the Board came, at an early period, to a similar determination to that arrived at in their own case. They thought that, inasmuch as, whether there was a Quorum, or not, Mr. Cameron's attendance was necessary; that, in all cases, he had to issue the notices and make the other preliminary arrangements for the Meetings; and that the Meetings of the Senate was actually called, although the object in calling them might not be carried out, for want of a Quorum; that, therefore, they could not interpret the Act in this case otherwise than they had done in the case which applied to themselves.

TORONTO, July 1st, 1851. DAVID BUCHAN, Chairman of the Endowment Board.

Read a Letter from the Chairman of the Endowment Board to the Secretary of the Senate, dated the Eleventh and Sixteenth of July, 1851, transmitting a Statement of the University Accounts for the Quarter ending the Thirty-first of March and the Thirtieth of June, 1851, showing the Receipts of the Investment Fund to be, for the Quarter, £7.393.3.3, and the Payments, including an investment in Debentures of £7,000, to be £7,090.7.9. For the Income Funds the Receipts were £7,393.3.5, and the Payments, £7,090.7.9; Balance in hand. £302.15.8.†

Read the following Letter from the Provincial Secretary to the Vice-Chancellor, dated the Twenty Second of July, 1851, transmitting eight Warrants, appointing eight Gentlemen therein named to the Senate of the University:—

I have the honour, by command of the Governor General, to transmit to you herewith eight Warrants, appointing the undermentioned Gentlemen to the Senate of the University of Toronto, namely:—

The Honourable Doctor Christopher Widmer, (reappointed), The Honourable S. B. Harrison, Q. C., and Mr. John G. Bowes to be Crown Members, in place of the Honourable Henry Sherwood and Mr. David Buchan; and The Reverend Egerton Ryerson, D.D., The Reverend Michael Willis, D.D, The Reverend John Jennings, The Reverend Adam Lillie and The Reverend Bernard O'Hara to be Collegiate Members, in place of Messieurs John Cameron, John Roaf Junior, John McMurrich, William Proudfoot and James Hallinan.

TORONTO, July 22nd, 1851. JAMES LESLIE, Secretary.

Professor Doctor John King, seconded by Professor Doctor George Herrick, moved, that the Committee, (appointed under Section iii of the University Statute xxi), be requested to select forthwith, from the portion of Land, which it is proposed to appropriate for an Agricultural Farm, not less than six acres for the purposes of a Botanic Garden; and that the following Members of the Senate be a Committee to take such action as may seem to them to be necessary and expedient, with the object of forming a Botanic Garden; and, that the said Committee do consist of the President, the Professors of Chemistry, Theory and Practice of Medicine, Materia Medica and of Agriculture, *ex officio*.

Read a Letter, as follows, from Mr. Robert Easton Burns, Chairman of the Commission of Inquiry into the affairs of King's College, dated the 28th of July, 1851:—

The Commissioners of Inquiry into the Financial Affairs of the University of King's College have now closed their work and submit to you, in the absence of the Chancellor, their final Report. This,

* None of these older Statutes of the University are available.

† Instead of giving here copies of these elaborate Financial Sheets, with this information, (as laid before the Senate,) I have condensed the statements, as here given.

together with proper balance sheets of the affairs of the Upper Canada College, as well as of the University, are now furnished, in conformity with the third clause of the University Statute appointing the Commission in 1848.

The Commissioners also submit an account, shewing the entire expenditure on account of the Commission and the balance now due upon the final close. This sum £199.14.6 of balance the Commissioners have incurred on their own responsibility since the 31st March last, and as will be seen the whole amount is independent of any remuneration which the Commissioners may be entitled to, under the 4th clause of the Statute.

On the 30th of September, 1848, £25 was received by Mr. John Wehenhall towards his expenses, and this sum appears in the Commissioners accounts. A further sum of £100 was paid to Mr. Wehenhall on the 10th November, 1849, for which he stands charged in the University Books, the Commissioners having no knowledge of this payment at the time it was paid, and will be found in the balance sheet under the head of expenditure.

There is some office furniture a list of which accompanies this note, and which being paid for and included in the accounts may be useful in some way in the office of the University.

TORONTO, 28th July, 1851. ROBERT E. BURNS, Chairman.

August 6th, 1851. The Members present were not sufficient to constitute a Quorum.

August 13th, 1851. Professor Doctor John King, seconded by Professor Doctor George Herrick, moved, that, in the room and stead of Mr. John McMurrich and Mr. John Cameron, (no longer Members of this Senate), Mr. John G. Bowes, Mayor of Toronto, and the Reverend Egerton Ryerson, D.D., be appointed Members of a Committee lately appointed by the Senate to select a certain portion of the Grounds of the University for the purposes of an Agricultural Experimental Farm. . . . (*Carried.*)

Professor Doctor James H. Richardson, seconded by Doctor J. J. Hayes moved, . . . that the Building Committee be directed to take proper measures for the erection of a Lodge at the Eastern extremity of the Yonge street Avenue. (*Carried.*)

Professor Doctor W. B. Nicol, seconded by Professor Doctor James H. Richardson, moved, . . . that the Honourable Doctor Christopher Widmer be a Member of the Building Committee, in place of Mr. John Cameron. (*Carried.*)

The Statute, relative to the Declaration of Secrecy, made on the admission of Members of Convocation, and enacting that such shall not be binding for the future, was read for the first time, and it was moved and seconded, that the following Questions be submitted to the Law Officers of the Crown for their opinion :—

"1. Is the Power of instituting Professorships and assigning Salaries vested in the Senate, or in the Commission of Visitation ?"

"2. Does the appointment of the Bursar of the University belong to the Senate, or to the Board of Endowment ?"

August 18th, 1851. The Members present were not sufficient to constitute a Quorum.

August 20th, 1851 The Members present were not sufficient to constitute a Quorum.

August 27th, 1851. The Members present were not sufficient to constitute a Quorum.

September 27th, 1851. The Members present were not sufficient to constitute a Quorum.

October 3rd, 1851. Read a Letter from the Honourable the Chancellor to the Secretary of the Senate, dated the Second of October, 1851, transmitting a Letter from the Secretary of the Agricultural Association of Upper Canada of the Twenty-seventh ultimo, with a Resolution on the subject of the Chair of Agriculture and Experimental Farm, passed at the Annual Meeting of the said Association held at Brockville.

(NOTE. None of this Correspondence is available.)

The further consideration of the Reverend Doctor Beaven's case, being the first item on the agenda notice, the Secretary, at the request of Members of the Senate, lately appointed, who were not fully aware of the charges preferred by the Chancellor of the University against the Reverend Doctor James Beaven, read the Report of the Committee appointed to enquire into his proceedings and the expression of his feelings towards the University, whereupon Professor Doctor James H. Richardson, seconded by the Honourable Doctor Christopher Widmer, moved, that the said Report be brought up for adoption at the first Meeting of the Senate upon, or after, the first of November next. (*Carried.*)

Professor Doctor Skeffington Connor, seconded by the Reverend Doctor Egerton Ryerson, moved, that the Rule of the Senate requiring notice of intention to introduce a Statute to amend the University Statute Number Thirty-two be, in this instance, dispensed with. (*Carried.*)

Professor Doctor Skeffington Connor, seconded by the Reverend Doctor John McCaul, moved, that the said Statute be read a first and a second time. (*Carried.*)

On motion of Professor Doctor W. R. Beaumont, the Statute relative to the Declaration of Secrecy, on the admission of Members of Convocation, was read a second time and adopted.

The Statute relative to University and District Scholarships was also read a second time and adopted.

(NOTE. No copy of this or other of the older Statutes of the Senate are available.)

October 11th, 1851. The Members present were not sufficient to constitute a Quorum.

October 18th, 1851. Read the following Letter from the Chairman of the Endowment Board to the Secretary of the Senate, dated the Seventeenth instant, transmitting a Letter from the Provincial Secretary, dated the Ninth instant, on the Subject of an application submitted to the Governor General for the payment of the balance of an account due to the Commissioners of Inquiry into the Financial Affairs of the late University of King s College, together with a Statement of Cash received by the said Commissioners from the Bursar of the University to the Thirty-first of March, 1850, and of the Expenditure up to the Twenty-ninth of July, 1851.

The following are copies of these Documents in order, videlicet :

I. LETTER FROM THE CHAIRMAN OF THE ENDOWMENT BOARD TO THE CHANCELLOR OF THE UNIVERSITY.

1. I have the honour, by direction of the Endowment Board, to forward to you a copy of a Letter received from the Provincial Secretary, on the subject of the payment of the account rendered by the Commissioners of Inquiry into the affairs of King's College : together with a copy of the account itself and so much of the Statutes of King's College, under which the Commission went into operation, as relates to the payment of their expenses and allowances.

2. The object of sending these Documents to you is to request your consideration of the question, whether, as Chancellor of the University of Toronto, you are the proper Officer to furnish the Warrant for the payment of these Salaries and Allowances to the Commissioners.

3. You will remember, no doubt, that, on the 29th of March last, the Senate passed a Statute, suspending all payments after the first of April.* By order of this Board, I have made a communication to the Senate, through the Secretary, requesting a repeal of that Statute. I presume that the matter will be taken up to-morrow.

TORONTO, 17th of October, 1851. DAVID BUCHAN, Chairman.

Enclosure : Extract from Section Four of Statute Number Two of King's College, adopted on the Twentieth of July, 1848.

"That the Commissioners [for making an Inquiry into the Affairs of King's College], on making their final Report, shall be entitled to such allowance, from the funds of the University, not exceeding that usually allowed to Commissioners appointed for similiar purposes by the Crown, as His Excellency the Chancellor, for the time being, shall, by Warrant, under his Hand and Seal, think fit to appoint, as well for their own loss of time and trouble in performing the services hereby required of them, as for all incidental expenses of Clerks, Stationery and the like, which allowance shall be paid by the Bursar of the said University, in obedience to such Warrant." †

II. FROM THE PROVINCIAL SECRETARY TO THE CHAIRMAN OF THE ENDOWMENT BOARD.

I have the honour herewith to transmit to you, (as Chairman of the Endowment Board of the University of Toronto, and Upper Canada College,) an application submitted to the Governor General for payment of the balance of an Account due to the Commissioners of Inquiry into the Financial Affairs of the late University of King's College, and to inform you, that His Excellency is advised that, in the altered position which he holds, in regard to the University, under the Act, of 1849, Twelfth Section Chapter Eighty-two, it does not belong to him to deal with that application.

As, however the Twenty second Section of that Act, makes it the duty of the Endowment Board of the University to take upon themselves the general charge, superintendance and management of the property and effects of the University, out of which the claim, by the University Statute itself, is directed to be satisfied, His Excellency has been pleased to cause the Accounts in question to be transmitted to you for the consideration of that Board, as the proper authority to deal with this as with other precuniary obligations of the University.

TORONTO, October the 9th, 1851. JAMES LESLIE, Secretary

ENCLOSURE : I. *Statement of Cash Received by the Commissioners of Inquiry into the Affairs of King's College from the Bursar of the University up to the 31st of March, 1850, and of the Expenditure up to the 29th of July, 1851.*

(NOTE. The particulars of in this Statement are too minute and voluminous to insert in this place. They show that the Expenditure, up to the 29th of July,

* See pages 271, 272 of this Chapter.

† See page 237 of the Seventh Volume of this Documentary History.

1851, amounted to £2.533.17.8. The Receipts from the Bursar amounted to £2. 334.3.2,—leaving a Balance due to the Commissioners of £199.14.6.) I also condense the following information of Enclosure II. as follows:—

ENCLOSURE: II. *Statement of Services rendered by the Commissioners:*

By, Mr. John Wetenhall, from the 7th of August, 1848, to the 3rd of February, 1850: also 126 Meetings of the Commission and 20 personal Visits.

By the Honourable Robert Easton Burns, from the 7th of August, 1848, to the 28th of July, 1851: also 87 Meetings of the Commission and 20 personal Visits.

By Doctor Joseph Workman, from the 7th of August, 1848, to the 10th of July, 1851, and 313 personal Visits.

NOTE. The Personal Visits of the Commissioners, on official business, varied from one hour to ten hours each. Of the 313 Visits made by Doctor Joseph Workman, about one-third of them extended over the entire Office hours of the days on which they were made, and much labour was performed by him at his own Residence at night,—of which no record has been made in the Minutes of the Commissioners.

The Statute to amend Statute number Thirty-two of the University being read a second time, Professor Doctor Skeffington Connor, seconded by the Reverend Doctor Michael Willis, moved that the said Statute be adopted; whereupon the Reverend Doctor McCaul, seconded by Doctor J. J. Hayes, moved that the number of Members of the Building Committee be nine, and that the Quorum be five, which amendment was lost. The original motion was then carried and the Statute adopted.

The Statute for the purchase of Microscopic Specimens was read a second time, Professor Doctor James H. Richardson, seconded by Professor Doctor Lucius O'Brien, moved that the sum of Forty pounds be inserted in the Statute. (*Carried.*)

The President, seconded by Professor Doctor James H. Richardson, moved that the following be added to the Statute: "and that the Endowment Board be, and they are hereby, authorized to invest such amount in such purchase" (*Carried.*) The said Statute was then adopted.

The Statute to enable Gentlemen to take and receive Degrees in this University, on passing certain Examinations, being read a first time, The Dean of Law the Faculty, seconded by the Reverend Doctor Michael Willis, moved that the said Statute be referred to a Committee, consisting of the Vice-Chancellor, the President, the Deans of the Faculties of Law, Medicine and Arts; the Mayor, the Reverend Doctors Willis and Ryerson, the Honourable S. B. Harrison, the Reverend Adam Little and Doctor J. J. Hayes, and that seven be a Quorum. (*Carried.*)

October 25th, 1851. Mr Joseph C. Morrison, seconded by the Reverend Doctor James Beaven, moved that the Secretary of the Senate address a Communication to the Provincial Secretary, requesting that he will be pleased to transmit, for the imformation of the Senate, a Copy of any Report, or Reports, to the Government of the Commission of Visitation. (*Carried.*)

The Reverend Doctor John McCaul, seconded by Mr. Joseph C. Morrison, moved that Mr. Robarts be appointed Auditor in the place of Mr. W. Scott Burn deceased. (*Carried.*)

November 1st, 1851. The further consideration of the Report of the Committee, to whom had been referred the case of the Reverend Doctor James Beaven, being the first item on the Notice Paper, and the Report being read, Professor Doctor James H. Richardson, seconded by Professor Doctor W. C. Beaumont, moved that the said Report be adopted; whereupon the Reverend Doctor John McCaul, seconded by Doctor J. J. Hayes, moved, in amendment, that the said Report be referred back to the Committee, with instructions to amend the same, which amendment was lost, and the original motion was carried.

Read a Letter from the Honourable the Chancellor, dated the 21st ultimo, on the subject of the payment of certain expenses of the Commissioners of Inquiry into the Affairs of King's College. The Letter was as follows:

I transmit herewith a Communication I have received from Mr. David Buchan, the Chairman of the Endowment Board, enclosing an account of the expenses of the Commission of Inquiry into the affairs of King's College, under which the Commission was appointed.*

I request that you will submit these papers to the Vice-Chancellor, and to state that it appears desirable that a special Meeting of the Senate should be summoned to take the subject into consideration.

There can be no doubt but that, under the King's College Statute in question, the expenses of the Commission are to be defrayed, when their final Report is made; and the mode of doing so I conceive must be by a Statute of the Senate to that effect, authorizing the Board of Endowment to pay the same; but I do not think that the Senate are competent, of their own knowledge and authority, to determine what is the amount of remuneration, "usually allowed" "to Commissioners appointed for similar purposes by the Crown," and I would respectfully suggest that the Senate give directions for the transmission to the Provincial Secretary, of the account furnished, in order that His Excellency the Governor General-in-Council may be pleased to state the sum which is to be paid, and for which the Senate are to pass a Statute, embracing the whole expenditure.

I trust that the result of this Commission is such as will justify the large expenditure incurred in carrying it on; but, as to which I have not, at present, any means of forming an opinion.

Under the Statute of King's College the Warrant for payment of these expenses is directed to be signed "by the Chancellor for the time being"† If the Senate now passes a Statute for the payment, it can set aside that part of the King's College Statute and direct it to be made through the Board of Endowment, in the usual way of other payments.

WOODSTOCK, October 21st, 1851. PETER B. DE BLAQUIERE, Chancellor.

The Chancellor also sent a copy of the following Letter which he had addressed on the same day to the Chairman of the Endowment Board:—

I beg leave to acknowledge the receipt of your Letter of the 17th instant with its enclosures.

Although the payment of the expenses of the Commission of Inquiry into the affairs of King's College will have to be made through the Board of Endowment, I do not think the same can be done, even when the amount is ascertained, except under the directions of a Statute of the Senate, and the Warrant for the payment of which, (as the Statute of King's College is still in force,) would be signed by the Chancellor, for the time being, as directed; but, to prevent unnecessary delay, this can be obviated by the Senate, so wording the intended Statute for payment of the expenses as to set aside that part of the enactment of King's College Statute relating to this matter, and directing the payment to be made by you, as Chairman of the Board of Endowment, in the usual way of other payments.

Trusting that the Board and you will agree with me in opinion as to what ought to be done I beg to enclose you a copy of [the foregoing] Letter, which I have addressed to the Secretary of the Senate, and which I trust will at once put the matter in train of immediate settlement.

WOODSTOCK, 21st October, 1851. PETER B. DE BLAQUIERE, Chancellor.

November 8th, 1851. Professor Doctor W. R. Beaumont, seconded by Professor W. B. Nicol, moved that the Seventh Rule of the Senate be suspended, and that the Solicitor of the University be requested to give his opinion to the Senate as to the Questions, submitted by the President, to the Law Officers of the Crown, on the 13th of August last, to which questions no reply has yet been received. (*Carried.*)

November 15th, 1851. The notice of motion, relative to the Reverend Doctor James Beaven, by the Reverend John Jennings, having been brought forward, and the Reverend Doctor Beaven, having spontaneously expressed himself in a satisfactory manner, was withdrawn with the unanimous consent of the Senate.

A Statute was passed authorizing the purchase of Books for the Library in the department of Moral Philosophy and Metaphysics and other Books recommended by a Committee of the Senate.

Read the following Report of the Caput of the University in regard to the Chair of Agriculture:

The Caput reports, that, conformably to Statutes Numbers 21 and 31, passed by the Senate of the University, relative to the Chair of Agriculture, Candidates were notified, by public advertisement, to transmit to, and deposit in, the Bursar's Office their respective Testimonals, on, or before, the First day of August, 1851.

Conformably to this notice, the following candidates deposited testimonals, videlicet:—Mr. Fyfe, Mr. George Buckland and Mr. H. Y. Hind; but, during the present week, the last named gentleman has informed the Caput that "it is not his wish to continue a Candidate for the Chair." They have

* Neither this Letter from the Chairman of the Endowment Board, nor the account enclosed by him, were among the Papers of the University to which I had access. They may have been sent to the Provincial Secretary.

† See page 237 of the Seventh Volume of this Documentary History.

consequently returned to Mr. Hind the testimonials, which he had transmitted, and have, in consequence, revised the Draft of their Report.

After a most careful examination of the documents, submitted by the remaining Candidates, the Caput is of opinion, that the Testimonials presented by Mr. George Buckland, not only supply most satisfactory evidence of his high qualifications for the Chair of Agriculture, but also are much superior both in number and value to those transmitted by his competitor. . . .

TORONTO, November, 1851. JOHN MCCAUL, Chairman.

November 22nd, 1851. Read a letter from Doctor Workman, late Commissioner for inquiry into the Affairs of King's College, as follows :

The Honourable Judge Robert E. Burns has placed in my hands a note, dated 22nd of October, 1851, addressed to "the Chairman of Commission of Inquiry, Toronto, bearing your signature, and requesting, on behalf of the Senate of the University of Toronto," a detailed Statement of the cash received from the Bursar of the University and expended" by the Commissioners. . . .

I beg to refer you, for the information desired by you, to the statement furnished by the Commissioners to the former Bursar on the 17th September, 1850, and to the subsequent one of the 28th July, 1851, furnished to His Excellency the Governor General, and since forwarded to the Chairman of the Board of Endowment.*

TORONTO, 20th November, 1851. JOSEPH WORKMAN, M.D.

November 29th, 1851. Professor Doctor John King, seconded by Mr. John G. Bowes, moved that an humble Address be presented to His Excellency the Governor General, Visitor of the University, praying that he would be graciously pleased to cause to be laid before this Senate a copy of the Report of the Commission of Visitation, appointed under the provisions of the Act of the Province of 1849, amending the Charter of the University, (12th Victoria, Chapter 82, Section 48,) upon the claims of certain Professors, who have been disappointed in their reasonable expectations with respect to the amount of their Salaries, or other emoluments. (*Carried.*)

December 6th, 1851. The Members present were not sufficient to constitute a Quorum.

December 13th, 1851. Professor Doctor James H. Richardson, seconded by the Reverend Doctor Michael Willis, moved that Rule Number Seven be dispensed with, and that a Committee be appointed to communicate with the Honourable the Chief Justice J. B. Robinson, as Trustee to His Grace the Duke of Wellington, and inquire into the present State of the Wellington Scholarship ; such Committee to consist of the Vice-Chancellor and the Reverend Doctor Michael Willis. (*Carried.*)

December 20th, 1851. Read a letter from the Honourable the Chancellor to the Secretary of the Senate, dated the Twelth instant, stating, for the information of the Senate, that he had appointed Mr. Thomas G. Ridout, Cashier of the Bank of Upper Canada, one of the Auditors, in compliance with the University Act of 1849.

A Statute, on motion of the Reverend Doctor Egerton Ryerson, was passed to restore to Professor Croft the amount of his House Rent.

Read the Report of the Committee appointed to inquire into matters appertaining particularly to Statute Number Twenty-six as follows :—

Report of Committee on affairs of Commission of Inquiry into the Affairs of King's College :—

The Committee appointed by the Senate to inquire into matters particularly appertaining to Statute Number Twenty-six, respectfully report :—

1. That they have carefully examined the said Statute, and find that it merely suspended payments of monies to the Commissioners and Clerks, or, for the purposes of the commission, which should acrue after April 1st, 1851, and did not otherwise affect the original Statute of King's College, of July, 1848, by which the Commission of Inquiry was formed, as to its powers and duties.

2. That they have also cursorily examined the Accounts furnished by the Commission, and, whilst they regret the large expenditure incurred by the Commission, they are, notwithstanding, of opinion that it is expedient to authorize the payment of monies which have accured on account for the purposes of the Commission since April 1st, 1851, by repealing the said Statute Number Twenty-six.

3. That, in the opinion of your Committee, nothing appears in that Statute to prevent the Endowment Board from paying forthwith all expenses of the Commission incurred before April 1st, 1851, devolving on the University.

With reference to the amount of compensation to be awarded to the Commissioners themselves, your Committee think that it is evident from the original Statute of King's College appointing the Commission, that such amount must be determined and specified by the Chancellor, for the time being,

* For this latter Statement, see page 278 of this Chapter. There is no record of the September Statement of 1850 available.

by Warrant under his Hand and Seal, provided that such amount shall not exceed that usually allowed to Commissioners appointed for similar purposes by the Crown, in making which determination the Chancellor may be guided by whatever advice he may think proper, or necessary, to consult.

4. Your Committee, in conclusion, would remark, that it is doubtful to them, whether, from the construction of the original Statute, any compensation can be awarded to any one Commissioner for services performed in his individual capacity.

5. And your Committee are of opinion that the value to the University of the services rendered by the Commissioners does not justify any extra payments not sanctioned by law, And the enormous expenses incurred by the Commission render it desirable that such expenses should not be extended beyond the strict liability of the University, under the original statute of King's College.

TORONTO, 20th December, 1851. JAMES JOHN HAYES, Chairman.

Professor Doctor W. R. Beaumont moved, seconded by Professor Doctor James H. Richardson that the first part of the Report, beginning with the words: "devolving upon the University," inclusive, be received and adopted, and that the rest of the Report be referred back to the Committee, and that Committee be increased by the addition to it of Doctor Skeffington Connor and the Reverend Doctor Ryerson. (*Carried.*)

The Senate having taken up the consideration of the election of a Vice-Chancellor for the ensuing year, agreeably to the Sixth Section of the University Act of 1849, and clause one of Statute Number Twenty-nine, Professor Doctor John King, seconded by Doctor J. J. Hayes, moved that Professor Doctor George Herrick be appointed Vice-Chancellor for the ensuing year. (*Lost.*)

Professor Doctor W. B. Nicol, seconded by the Reverend Doctor James Beaven, then moved that Professor Croft be re-elected Chancellor. (*Carried.*)

The Reverend Doctor Beaven, seconded by Professor Doctor John King, moved that Mr. Robarts be re-elected Auditor. (*Carried.*)

December 26th, 1851. The Statute to appropriate a sum of money not exceeding One Thousand pounds, (£1,000,) to meet the unpaid expenses of the late Commission of Inquiry into the Affairs of King's College University, and authorizing the Endowment Board to pay out of the said amount the balance of account furnished, for expenses incurred, was read a second time, and the Statute was adopted.

The following Letter from the Chairman of the Board of Endowment was laid before the Senate:—

Some time ago I ordered a Return to be made of the Income of the University for the years 1850, 1851, and, as far as possible for the approaching year 1852, that is, of the Rents of leased lots, Interest on sales, Mortgages, Debentures, Rents of Houses, etcetera, due for, and corresponding to, each of those years, irrespective altogether of what had been, or might be received; in fact of what we should have been, or shall be, entitled to demand for each of those years, supposing no arrears to be left at the end of the year succeeding.

I have just received the Return with an explanatory Letter from Mr. Nation, who prepared it; and I have now the honour to enclose, for the information of the Senate, copies of these Documents.

It will be observed that there is a sum of Five Hundred pounds, (£500,) estimated as probably to be received in 1852, from lots which are apparently leased, but from which no Rent, or but a very small sum, has ever been received; I desired Mr. Nation, in making his Return, to leave out all such lots and to make a separate list of them; They comprise about one hundred and fifty entire lots, or about thirty thousand acres,—four fifths of which lie East of Toronto; and of these four fifths, by far the larger portion, is East of the old Newcastle District.

The amount of arrears due the first of July last, on Lease, or lots which had been once occupied and supposed to be under lease, and charged accordingly in the Books, and the charges continued, was returned to me as £18,300, 5, 6
and of Interest on purchase money 12 190, 9, 0
£30,570, 14, 6

of this, a considerable sum has been recovered through the Solicitor, and some has, of course, been paid directly into the Office; but I think it may be fairly considered that the accruing Interest and Rents will quite compensate for the arrears recovered.

I may add, that the Endowment Board is increasing the Income every week by sales of Lands. The Bookkeeper lately furnished me with a return of sales up to the Twenty-fifth of October. The number of acres then sold by the Board was Three Thousand Five Hundred and Eighty eight and one half acres, the purchase money of which amounted to nearly Nine Thousand pounds, (£8,553, 17, 8,) giving an average of Nine and eighteen-one hundredths of a dollar per acre. There have been many sales made since, but owing to a great pressure of work in the Office, they have not yet been posted.

TORONTO, December 20th, 1851. DAVID BUCHAN, Chairman.

* For the original Statute of King's College, see page 237 of the Seventh Volume of this Documentary History.

CHAPTER XXV.

PROCEEDINGS OF THE BOARD OF ENDOWMENT OF THE UNIVERSITY OF TORONTO AND OF UPPER CANADA COLLEGE, 1851.

I have only selected these items from the Proceedings of the Endowment Board that appeared to be of public interest. Some details I have also given, in order to illustrate the " methods" of the Board, in dealing with all questions, (large or small,) of a financial nature, even although they might be, in themselves, of lesser public interest. I have given none of the items in the Minutes of the Board relating to the Sale of the Lands of the University, or kindred matters, —they being chiefly ordinary routine business.

January 2nd, 1851. It was ordered that Requisition Books for the University and Upper Canada College be prepared by the Honourable J. Hillyard Cameron, a Member of this Board

Ordered, That Communications be sent to the Senate and Upper Canada College, informing these Bodies that Mr. Alan Cameron has been appointed Bursar and also Secretary to this Board ; he having proposed as his Sureties Messieurs Henry Boys, Henry Rowsell and Charles Jones : also Colonel Muter.

The Bursar was directed to request the Professors to state the amount of Fees received by them during the past year.

January 6th, 1851. The Members present were not sufficient to form a Quorum.

January 9th, 1851. *Ordered* That an assurance for Two Thousand pounds (£2,000,) in the name of Upper Canada College be effected on the four Buildings occupied by the Masters of Upper Canada College, that is to say, Five Hundred pounds, (£500,) on each Building with the Provincial Mutual Insurance Company. Mr. Joseph C Morrison named as his Sureties, as Member of the Endowment Board, Doctor Skeffington Connor and Mr. Angus Morrison, The Secretary was directed to transmit these names to the Senate.

January 13th, 1851. Read a Letter from Mr. De la Haye, referring to the Collectorship of Upper Canada College arrears ; and it was ordered, that the Secretary reply to Mr. De la Haye, enclosing to him a copy of Resolution Number Nine of the Thirtieth of September, 1850, and also expressing, as the opinion of the Board, that the arrears of Upper Canada College were to be collected by him.

Ordered, That the items in the Requisition Book, Numbers 12 to 23, inclusive, be paid and acquitted.

January 16th, 1851. Read a letter from the Principal of Upper Canada College, enclosing a Minute Number Five of the Council of Upper Canada College ;

Ordered, That the Bursar inform Mr. De la Haye that it is the desire of this Board that he shall use his best endeavours to collect the old arrears of Upper Canada College, before the first of April next, and immediately thereafter, the accounts of all persons, then in arrears, be sent to the Solicitor for collection.

Ordered, That an Insurance be effected in some substantial Office for the Amount of Twelve Hundred and Fifty pounds, (£1,250,) on the Medical Building of the University, lately erected.

January 20th, 1851. *Ordered*, That the Bonds of the Bursar for the due performance of his duties be approved and sent to the Solicitor ; and that the Bursar have them executed.

Ordered, That the amounts entered in the Requisition Book, Numbers 25, 30 to 36, inclusive, be paid and acquitted.

January 23rd, 1851. The following Minute was entered in the Book :—The Endowment Board desire to report, for the information of the Senate :—That the Bursar, under the direction of the Board, has prepared a Schedule of all the Lands belonging to the University unsold and under Lease, for the purpose of a valuation of the respective lots, in order to comply with the sixth clause of the Statute Number Ten* of the Senate ; these Lands being scattered over the

* None of the original Statutes of the University are available, so that cannot give the terms in which these named ar expressed.

various Townships of the Upper Province,* it is impossible for the Board to arrive at any satisfactory approximation of their value in a short space of time, without incurring considerable expense by the employment of competent agents to ascertain, by personal inspection, the position and quality of the Lands. The applications in the Office of the Bursar for leasing, or purchasing, the Lands of the University amount to perhaps one thousand cases, not one of which can the Board determine, until a valuation, in pursuance of the Senatatorial Statute, is laid before the Senate for its approval.

The Board would, therefore, beg leave most respectively to suggest to the Senate, that, in order to dispose of a large number of the cases of the applicants forthwith, the Endowment Board be authorized, from time to time, to dispose of applications, subject to the ratification of the Senate, or to adopt such other mode to facilitate the business of the Office, as to the Senate may seem best.

January 27th, 1851. Read a Letter from Mr. Clarke Gamble, Solicitor, requesting authority to use the name of Upper Canada College in a suit for the Heirs of Taylor Ragland, to recover Lands in March Street, Toronto. It was ordered that the Letter be sent to the Solicitor, with instructions for him to see Mr. Clarke Gamble, and to give the authority required, unless he is of opinion that the College should not do so.

January 30th, 1851. *Ordered*, That the Secretary reply to all parties indebted to the University, or to Upper Canada College, who have requested forbearance for the payments of Principal, Interest, or Rent, due to these Institutions, and state that, as the University and Upper Canada College mainly depend upon the punctual payment of Interest and Rent for their Revenue, the Endowment Board cannot, under any circumstances, permit either Interest or Rent to remain over due ; and that all cases, in which default is made, will be placed in the hands of the Solicitor for immediate collection.

February 3rd, 1851. Read a Letter from the Chancellor to the late Bursar, requesting that the Endowment Board should be applied to for permission to have the amount of "Chancellor's fees" accruing to him, as Chancellor, paid to an account to be opened under that name, so as to form a future prize Fund ; ordered accordingly.

February 6th, 1851. *Ordered*, That the Secretary Bursar do apply to the Bank of Upper Canada for a correct Statement of the Debentures belonging to the University and Upper Canada College in its custody and that the same be entered in a Book, and signed by the Cashier of the Bank and the Bursar ; and, that all Debentures received, or redeemed, be entered in such Book in a similar manner for the future.

The Board read a Letter from Mr. G. A. Barber, City School Superintendent, asking for information as to the leasing of the Central School House. It was ordered, that the Central School House be rented to the City Board of School Trustees, as yearly tenants, at Twenty pounds (£20,) per annum ; payable quarterly.

February 10th, 1851. The Members present were not sufficient to constitute a Quorum.

February 13th, 1851. No business of any public importance was transacted.

February 17th, 1851. Received and read a Communication from the Secretary to the Commission of Visitation, requesting a detailed Statement of the Expenditure of the University for the past year ; and also a Statement of the quantity of Lands forming the Endowment, the situation of there lands, the quantity under lease, and the condition of the leases ; It was,—

Ordered, That such Statements be prepared and transmitted to the Commissioners as soon as prepared, and that the Bursar—Secretary do write to this effect to the Commissioners.

Received and read a Communication from the Commissioners of Inquiry Into the affairs of King's College. (Not available).

February 20th, 1851. The Secretary-Bursar reported that the sum of Five Thousand pounds, (£5,000,) stood to the Credit of the "University Investment Fund;" whereupon it was ordered that the Bursar—Secretary do ascertain from Receiver General on what terms Debentures for that sum, in amounts of Five Hundred pounds, (£500,) each can be obtained, and report the same to the Board.

In reference to the Order of Board to let the Central School House to the City School Board of Trustees, and a Letter from Mr. Barber, the City School Superintendent, thereon, requesting that the sum of Twenty-five pounds,(£25,) be allowed in repairs on the School House ; It was,—

Ordered, That one year's Rent be allowed, to the (its Board of School Trustees, on furnishing this Board with the proper vouchers, shewing that the sum of Twenty pounds, (£20,) had been so expended.

* A list of the Municipal Districts in which the University Lands were situated will be found on page 205 of the First Volume of this Documentary History.

February 24th, 1851. Read a Communication from Mr. Charles Daly, wishing to be informed, in behalf of the Trustees of the Western Market, if this Board would accept a Debenture of the City of Toronto for the sum of One Hundred pounds, (£100,) in lieu of Scrip issued by the Trustees ; and now held by the Board. It was,—

Ordered, That such Debenture be accepted and the Scrip be delivered up to the Market Trustees, to be cancelled.

Read a Communication from the Receiver General, on the subject of the Resolution of the Board at its last Meeting for the purchase of Debentures to the amount of Five Thousand pounds, (£5,000,) it was,—

Ordered, That the Bursar do inquire if Debentures can be obtained from any other source, before any answer is transmitted to the Receiver General.

Ordered, That all arrears of Rent and Interest due upon the property of the University and Upper Canada College, in the City of Toronto, which were ordered to be collected by the first of February, and which still remain unpaid, be placed by the Bursar in the Solicitor's hands for collection.

The Bursar having laid on the Table the Statement required by the Commission of Visitation ; it was,—

Ordered, That the same be transmitted to the Secretary of the Commission.

The report of the Solicitor on the account of the late Solicitor, Mr. J. E. Small, was taken up by the Board, and it was ordered that the Solicitor do forthwith proceed to obtain from Mr. Small the balance admitted to be due by him, as stated in the Solicitor's Report of the Seventeenth of December, 1850 ; and that he inform Mr. Small that the Board cannot accede to his request to take a Mortgage for the balance, as the Board considered that the amount should be paid at once, being a balance of monies actually received by him in his Office as Solicitor to the University.

February 27th, 1851. No business of any public interest was transacted.

March 3rd, 1851. No business of any public interest was transacted.

March 6th, 1851. No business of any public interest was transacted.

March 10th, 1851. *Ordered*, That the Bursur do prepare a return of the amount of monies received on account of the University and Upper Canada College respectively, distinguishing Income from Investment, during the year ending the Thirty-first day of December, 1850 ; also the amount of expenses chargeable to the joint account of both Institutions and lay the same before the Board at the next Meeting.

March 13th, 1851. No business of any public interest was transacted.

March 17th, 1851. Read a supplemental Report from the Solicitor, on the subject of the late Solicitor, Mr. James E. Small's debt, in which report the Solicitor states his opinion that Mr. Charles C. Small remains liable to the University for the sum of One Hundred and Seventy pounds, two shillings, (£170, 2, 0,) and interest, which that Gentleman claims to have been arranged as payable by the late Solicitor ; It was,—

Ordered, That the Solicitor communicate to Mr. Charles C. Small, and state that the University looks to him for that amount, and for the balance due by him for Principal ; and, in the event of refusal to settle the same, to take steps to enforce payment.

Ordered, That a Return of all Debentures held by the University, falling due before the first of July, 1856, be laid before the Board by the Bursar at its next Meeting.

March 20th, 1851. The Members present were not sufficient to constitute a Quorum.

March 24th, 1851. *Ordered*, That the sum of Five Thousand pounds, (£5,000,) be invested in Government Debentures, and that Five Thousand, One Hundred and Seventy pounds, (£5,170,) of Debentures, shortly to become due, be offered to the Government for redemption, in pursurance of the Receiver General's proposal and that that amount be invested in like Debentures.

Ordered, That all Notes past due, on the first day of January, 1851, be placed in the Solicitor's hands for collection.

March 27th, 1851. *Ordered*, That a cheque be issued payable to the Receiver General, for Five Thousand pounds, (£5,000,) to be invested, as per Order of last Meeting. Debentures to be in sums of Five Hundred pounds, (£500,) each ; and, as the whole amount is Ten Thousand One Hundred and Seventy pounds, (£10,170,), one Debenture may be for a sum of Six Hundred and Seventy pounds, (£670), or One Hundred and Seventy pounds, (£170,), as the Receiver General may direct ; The Receiver General to account for interest due on the Debentures to be redeemed from the date of the last payment until the day of redemption.

Ordered, That the Secretary obtain from the Bank of Upper Canada Debentures Numbers 346, 243, 236, 240, 203, 351, 242, 1, 203, 143, and 3, amounting in all to Five Thousand, One

Hundred and Seventy pounds, (£5,170,) these Debentures to be redeemed by the Government.

Ordered, That so soon as the Secretary shall receive from the Receiver General Debentures for the Ten Thousand, One Hundred and Seventy pounds, (£10,170,) he shall deposit the same with the Bank of Upper Canada, taking a receipt for the same, with a statement of the amount and numbers of the Debentures.

March 31st, 1851. *Ordered*, That the Solicitor be requested to give his opinion as to which Institution the proceeds of the Lands conveyed to King's College by Mr. George A. Barber, in liquidation of his debt due to Upper Canada College, ought to be applied. In the present case, the Land was sold in 1841,—payable by instalments and entered in the Books of Upper Canada College. An amount of interest is now received on that purchase to whom should it go ?

The Board having taken into consideration the division of the expenses of the Bursar's Office and that of the Endowment Board, and charges entered in the joint management account for the past year ; it was,—

Ordered, That one fourth of the whole amount, excepting the amounts paid to the Members of the Board, be debited to Upper Canada College, and three-fourths thereof to the University; and that, for the past year the amounts paid to the Members of the Board respectively, be charged to the respective Institutions which they represent, and, as the Bursar reports, that the amounts paid to the Members of the Board on the Thirty-first day of December, were charged to the University, the Bursar is directed to debit Upper Canada College with the amounts then paid to the College Members.

April 3rd, 1851. No business of any public interest was transacted.

April 7th, 1851. The Secretary having laid before the Board a Communication from Doctor Joseph Workman, on the subject of access, by the Commissioners of Inquiry into the Affairs of King's College, to the Books of the University and Upper Canada College, and his answer thereto, declining to furnish such access, without reference to the Senate ; it was,—

Resolved, That the Bursar and Secretary do inform Doctor Workman that the Commissioners of Inquiry may have access to the Books required in the same manner, as before the passing of the recent Statute of the Senate, but otherwise subject to its provisions.

The Bursar reported that he had lodged in the Bank of Upper Canada Debentures from the Receiver General to the amount of Five Thousand pounds, (£5,000,) and that he had received from that Bank Debentures to the amount of Fifty One Thousand pounds, (£51,000,) with Ninety Five pounds seven shillings and five pence, (£95.7.5,) interest due thereon, and lodged the same with the Receiver General for the issue of new Debentures.

April 10th, 1851. No business of any public interest was transacted.

April 11th, 1851. No business of any public interest was transacted.

April 14th, 1851. No business of any public interest was transacted.

April 17th, 1851. No business of any public interest was transacted.

April 22nd 1851. No business of any public interest was transacted.

April 24th, 1851. No business of any public interest was transacted.

April 28th, 1851. No business of any public interest was transacted.

May 1st, 1851. No business of any public interest was transacted.

May 5th, 1851. *Ordered*, That the Chairman sign the Annual Report, and that the Secretary transmit the same to the Senate and a duplicate to the Provincial Secretary.

May 8th, 1851. The late Solicitor, Mr. James E. Small, having appeared before the Board, and the Board having taken into consideration the Claim against him, as reported by the present Solicitor, on the Ninteenth of December, 1850, it was,—

Ordered, That Mr. Small, upon giving proper security for the payment of the Claim against him, be allowed the forbearance, as mentioned in the Minute of the Solicitor, appended to the Report, such Security being a Mortgage, with power of Sale, upon default of payment of any instalment.

Ordered, That the Cashier of the Bank of Upper Canada be requested to direct that the number of all checks paid be entered in the Bank Books of the University and Upper Canada College, instead of the names of payees ; and that all amounts paid to the credit of these Institutions do exhibit the names of the parties paying, or depositing, the same ; and all amounts received by the Bank, as Agent, should specify whether the same be Interest on Debentures, dividend of Stock, or otherwise, as may be.

May 12th, 1851. No business of any public interest was transacted.

May 15th, 1851. The Members present were not sufficient to constitute a Quorum.

May 9th, 1851. No business of any public interest was transacted.

May 23rd, 1851. No business of any public interest was transacted.

May 26th, 1851. *Ordered*, That the Chairman of this Board direct and see that all monies received on account of the University or Upper Canada, College shall immediately, before Three o'clock, be deposited daily in the Bank, to the respective credits of these Institutions, unless the aggregate sum in hand shall not exceed the sum of Fifty pounds, (£50.)

Ordered, That the accounts of Upper Canada be made out from the first of July, 1850, to the Twelfth of August, 1850 inclusive, and also from the Thirteenth of August to the Thirteenth of September, 1850, and the same be laid before the Board.

May 29th, 1851. The Members present were not sufficient to constitute a Quorum.

May 30th, 1851. The Members present were not sufficient to constitute a Quorum.

May 31st 1851. *Ordered*, That the Secretary draw the attention of Mr. De la Haye to the Order of this Board, under date the Sixteenth of January, 1851, respecting the arrears due to Upper Canada College, and that he inform that Gentleman that it is the desire of the Board that he transmit a Return forthwith to the Board of all persons in arrears, and the respective amount due by each.

June 2nd, 1851. Mr. David Buchan appeared, produced his Commission, as Crown Member and Chairman of the Board, and took his seat.

Ordered, That the Bank of Upper Canada be notified of Mr. David Buchan's appointment as Chairman, and that, in future, cheques on the Bank will be signed by him.

Ordered, That the Board shall meet regularly twice a week, on Mondays and Thursdays, at Three o'Clock P.M. If no Quorum be present at twenty minutes past Three o'Clock, the names of the Members present shall be entered in the Minute Book, and the Board may adjourn. The Chairman of the Board, if occasion requires, may call a special Meeting of the Board at any time.

June 5th, 1851. No business of any public interest was transacted.

June 9th, 1851. Mr. Drummond's Bond, signed by himself and Mr. Duncan McDonell and Mr. John Hutchinson, as his Sureties, was laid on the Table, and ordered, with all bonds by parties connected with the Endowment Board, to be lodged with the Bank of Upper Canada.

June 12th, 1851. *Ordered*, That Two Thousand pounds, (£2,000,) be invested for the University in Government Debentures, with Coupons, bearing six per cent. interest, and that Five Hundred pounds, (£500,) for Upper Canada College, to meet which, items in the Requisition Book Numbers 344 and 345 were ordered to be paid.

The Exchange of a Lot in Bastard for one in Zorra, proposed by the Crown Lands Department was authorized to be carried out.

June 14th, 1851. The Accounts of the University and of Upper Canada College were gone into and the investigation concluded, and it was,—

Ordered, That these Accounts, together with the Statement of Balances on the 31st of May, 1851, be engrossed in the Register of Reports and Returns.

The engrossed annual Report in regard to Upper Canada College, in duplicate, was ordered to be signed by the Chairman, and one copy sent to the College Council and the other to the Provincial Secretary, in terms of the University Act of 1849.

Ordered, That a correct list of the Debentures, Notes and other obligations, or Securities, the same as that of thirty-first of May last, be prepared.

June 16th, 1851. No business of any public interest was transacted.

June 19th, 1851. No business of any public interest was transacted.

June 20th, 1851. There being a full Meeting of the Board to-day the question was considered whether the Board had now the power to sell University Lands without reference to the Senate; it was,—

Resolved, That such power is, conferred upon the Board by the Senattaorial Statute Number Thirty two.

(*Note.*—None of these old Statutes are available.)

June 23rd, 1851. With reference to Doctor McCaul's application, in Letters of the Tenth of April and the Twenty-first of June, 1851, on the subject of the distribution of the surplus interest of the Wellington Scholarship, it was,—

Ordered, That, before making any such distribution, the Honourable Chief Justice Robinson, as the Trustee of said Scholarship, be written to, to ascertain whether he concurs in such distribution, and in reference to the future destination of said Scholarship.

June 26th 1851. The Members present were not sufficient to constitute a Quorum.

June 30th, 1851. Doctor J. J. Hayes desired it to be recorded that, in voting for the payment of item 419, in the "Legislative Book," he does not claim for this Board the right to appoint a successor to Doctor Boys, late Bursar,—he wishing that the question to be decided by the Senate of the University and the Council of Upper Canada College ; The Chairmain also wished it to be understood that in thus, for the first time, voting on the question, he did not, in any way, commit himself to an appropriation of the Resolutions under which that appropriation is made.

(*Note.* This payment was most likely the one made to Doctor Boys on his retirement from the office of Bursar.)

The Chairman was desired to communicate with the Senate in reference to the payment of Members of the Board for actual attendance, when there was no Quorum ; also, in reference to the Secretary of the Senate, in similar circumstances, as regards that Body.

Ordered, That the Chairman call upon the Cashier of the Bank of Upper Canada to request permission to overdraw the Upper Canada College account this Quarter.

July 3rd, 1851. *Ordered*, That the Solicitor be written to to ascertain from him whether Mr. James E. Small has arranged for the payment of the debt due by him to the University.

July 7th, 1851. No business of any public interest was transacted.

July 10th, 1851. No business of any public interest was transacted.

July 14th, 1851. A Deputation, which was sent to Port Hope in regard to the University property in that Town, reported what they had done with a view to bring that property into the market.

Ordered that as soon as there is One Thousand pounds, (£1,000,) of University Investment Funds in hand, application be made for the purchase of Debentures of the kind hitherto obtained.

July 17th, 1851. No business of any public interest was transacted.

July 21st, 1851. No business of any public interest was transacted.

July 24th, 1851. A Letter was laid on the Table from the President, of the University, without date, communicating the following Order of the Caput :—

That application be made to the Board of Endowment, relative to the information required by the Provincial Secretary, regarding the Professors, and other persons, who received Salaries, or other emoluments from the late University of King's College, up to the present time,—distinguishing in each year the amount of their respective Salaries and emoluments.

Ordered, That the request of the Caput be at once complied with, in so far as relates to the time, during which the affairs of the University have been under the management of the Board, and that the action of the Senate be waited for, in regard to the Inquiry into King's College Affairs, it being known that a similar application from the Provincial Secretary had been received on behalf of the Senate.

A further report was made to the Board by the Deputation sent to Port Hope in regard to the University Property there.

July 26th, 1851. No business of any public interest was transacted.

July 31st, 1851. No business of any public interest was transacted.

August 4th, 1851. No business of any public interest was transacted.

August 7th, 1851. The question of the period from which the increase in the President's Salary and allowance for House rent should begin was brought before the Board at the instance of Doctor McCaul ; he claiming that the late Statute of the Senate should operate from the first of January last, and not merely from its date, it was,—

Ordered, That the Opinion of the Solicitor be obtained on the subject.

August 11th, 1851. The Solicitor's Opinion on the question of the late increase to the President's Salary and allowance for House Rent was laid before the Board. It was

Ordered, That a copy of the Opinion be sent to Doctor McCaul, with an explanatory Letter.

(*Note.* That opinion was adverse to Doctor McCaul's claim.)

August 14th, 1851. The Solicitor's Bill for the Quarter ending the Thirtieth of June, 1851, was taken into consideration by the Board, particularly his observation at the foot of the Bill, in reference to "Retainers" in several suits brought for Upper Canada College property in March Street, Toronto. The Board considered it advisable, before making any order for the amount to be paid, to draw the Solicitor's attention to the nature and extent of the business that would require to be transacted for the University and College and to express their opinion that where suits were brought on behalf of either of those Institutions no "Retainer" should be charged,

unless Counsel were specially employed by the Board, nor any charge made for services as between Attorney and Client which is not taxable against the opposite party.

Ordered, That this Minute be communicated to the Solicitor.

Ordered, That the Chairman of the Building Committee of the Medical Building be applied to for an account of the quantity of building materials taken from those lying on the grounds, and used in the erection of the Building.

A request for an extension of time for the payment of his debt having been made by Mr. George S. Boulton it was,—

Ordered, That a confession of Judgment be taken for the whole amount, with interest up to date,—notes to be given, with interest as collateral security.

August 18th, 1851. No business of any public interest was transacted.

August 26th, 1851. No business of any public interest was transacted.

August 28th, 1851. No business of any public interest was transacted.

September 1st, 1851. *Ordered*, That Messieurs J. P. Ridout, J. J. Hayes and the Chairman make enquiry respecting suitable and more central accommodation for an Office of the Board than that now occupied, and that they report to the Board as early as convenient.

September 8th, 1851. *Ordered*, That the Bookeeper proceed to make up the Books of the Commission of Inquiry to the Thirtieth of June last.

A Quorum of the Board having visited Port Stanley in regard to University Lands in that vicinity reported the result of their visit, and action was taken thereon.

September 10th, 1851. No business of any public interest was transacted, except that Members of the Board visited Port Hope, in regard to University lands in the Township of Hope.

September 11th, 1851. *Ordered*, That the Solicitor be instructed to proceed against the following parties for recovery of arrears and ejectment from the premises, if neccessary; namely, the Honourable James Crooks, Number 5, Concession, 3 of Flambourgh West, (Number 408 of Requisition Book,) and Mr. Robert P. Crooks, West 45x38 feet of Lot Number 2, Block D, south side of March Street, Toronto, (Number 397 in the Requistion Book).

September 29th, 1851. The Solicitor's Letter of the Twenty-first of August last, in reply to the Minute of the Fourteenth of August, was read by the Board. It was, –

Ordered, That the Solicitor be allowed a fee of Twelve pounds, ten shillings (£12-10-0,) for the services performed in the ejectment suits referred to in his account and his Letter above noted, and that he be, at the same time, informed, that the Board adheres to its Minute of the Fourteenth of August, except in cases to be specially brought under its consideration. It was further,—

Ordered that, in matters within the jurisdiction of the Division Courts, the necessary proceedings for the recovery of amounts due to the University and College shall be taken through the Endowment Board Office, without the intervention of the Solicitor, in consequence of the and responsibility likely to be caused by their collection,

Ordered, That the Chairman communicate to the Senate and to the Council of Upper Canada College, that the Board of Endowment consider it necessary to have a new Office for the management of the University and College business, in a more central position in the City, and where a more commodious Safe can be had; and that they wish to be informed whether the Senate and College Council desire to have any, and what, accommodation in the Building.

October 2nd, 1851. No business of any public interest was transacted.

October 6th, 1851. Read a letter received from the Solicitor of this date. enclosing one from Mr. Hagarty, Solicitor to the Law Society, regarding certain claims on the College Avenue.

Ordered, That the Solicitor be instructed to prepare a case on which to give his own opinion.

October 10th, 1851. The Members present were not sufficient to constitute a Quorum.

October 13th, 1851. *Ordered*, That a list of the unsold lots in the City belonging to the University and Upper Canada College be prepared and handed to Messieurs Dixon and Trotter, Assessors for the City, with instructions to furnish the Board with their opinions of the value thereof.

October 14th, 1851. No business of public interest was transacted.

October 16th, 1851. Read a Letter from the Provincial Secretary, in reference to the payment of the account of the Commission of Inquiry into the Affairs of King's College. It was,—

Ordered, That the attention of the Senate be called to the effect of their Statute, suspending all payments of Salaries to the Clerks of the Commission of Inquiry, after the first of April last with a request that said Statute be repealed. Ordered, further that the Chairman communicate

with the Chancellor regarding the payment of the allowances to the Commissioners of this Inquiry. The following Letter was, therefore, sent to the Senate by the Chairman :—

I have the honour to enclose for the information of the Senate, a Letter which I received from the Provincial Secretary on the subject of the payment of the account of the Commissioners of Inquiry into the Affairs of King's College. The Endowment Board had the subject under consideration, when the Members thought it advisable to communicate with the Senate in regard to it. I have, therefore, been instructed to call the attention of the Senate to their Statute, suspending all payments of Salaries to the Clerks of the Commission of Inquiry after April last, and to request that the Statute may be repealed, with as little delay as possible.

TORONTO, 17th October, 1851. DAVID BUCHAN, Chairman.

October 20th, 1851. No business of any public interest was transacted.

October 27th, 1851. No businers of any public interest was transacted.

October 30th, 1851. Read a Communication from the Solicitor, enclosing a proposal from Mr. J. E. Small, late Solicitor, to liquidate the claims of the University against his Brother and himself by certain City Debentures and Public Debt Debentures; It was,—

Ordered, That Mr. J. E. Small be asked whether he intends to sell them at the Market value, or at par.

Read a Letter from the Chancellor, requesting that the Board would remit to England the price of the Chancellor's Medal, and charge the amount against the Chancellor's fees received, or to be received, this year, and, if the amount of fees did not cover the remittance, he would transmit the balance ; It was,—

Ordered, That the Chancellor be respectfully informed that the Board regret they cannot comply with his request, having no authority to make such a payment.

November 3rd, 1851. No business of any public interest was transacted.

November 6th, 1851. No business of any public interest was transacted.

November 10th, 1851. No business of any public interest was transacted.

November 13th, 1851. No business of any public interest was transacted.

November 17th, 1851. No business of any public interest was transacted.

November 20th, 1851. No business of any public interest was transacted.

November 24th, 1851. No business of any public interest was transacted.

November 27th, 1851. No business of any public interest was transacted.

December 1st, 1851. No business of any public interest was transacted.

(*Note.* At all of these meetings, the whole of the business transacted related to the sale, or leasings, of the University Lands.)

December 8th, 1851. *Ordered*, That a Book shall be kept, in which entries shall be made shewing the balances to the Debit, or Credit, of the "Income" and "Investment" Funds of the University and College,—together with the Cash balances at the Bank, and on hand, of each Institution, made up to every Saturday night so as to be laid before the Board at their following Monday's meeting. This arrangement to commence from the first week in January next.

Ordered, That Two Thousand pounds, ($2,000,) of University Funds be invested in Government Debentures.

December 11th, 1851. No business of any public interest was transacted.

December 15th, 1851. *Ordered*, That the Bank of Upper Canada be requested to furnish quarterly a Statement of Interest on University and Upper Canada College balances.

December 18th, 1851. No business of any public interest was transacted.

December 22nd, 1851. No business of any public interest was transacted.

December 26th, 1851. No business of any public interest was transacted.

December 29th, 1851. No business of any public interest was transacted.

CHAPTER XXVI.

PROCEEDINGS OF THE VISITATORIAL COMMISSION OF THE UNIVERSITY OF TORONTO, 1851.

The Forty-seventh Section of Baldwin University Act of 1849 provided for the appointment, by the Government, of five Persons as a "Commission of Visitation", for the purpose of making such "alterations and amendments" in the existing Statutes, Rules and Ordinances of the University, as they should think desirable to recommend . . . " and to report a Code of proper Statutes, Rules and Ordinances for the government of the said University".

With a view to obtain the opinions, chiefly of University men, the Commission issued the following Circular on the subject*:—

A CIRCULAR FROM THE VISITATION COMMISSION, ON THE REVISION OF THE UNIVERSITY REGULATIONS.

Her Majesty's Visitation Commissioners of the University of Toronto, being charged with the duty of reporting upon the various subjects specified in the University Act of 1849, passed in the Twelfth Year of Her Majesty's Reign, 14th and 15th Victoria, Chapter 82, are desirous of availing themselves of the information of those, whose experience and position, as well as acquaintance with the wants and wishes of the people of the Province generally, entitle their opinion to public confidence.

Although the Visitation Commissioners are anxious to have the benefit of your advice communicated in such a manner as may seem to yourself best calculated to do justice to your views, they will feel particularly obliged by being favoured with your opinion on the following points, which have already engaged their anxious attention:—

I. The expediency of reducing the amount of Fees at present charged.

II. The expediency of limiting the compulsory attendance of Students upon the University Lectures to two terms in each year, instead of being extended, as at present, to three terms. In this way, compulsory residence at the seat of University would be reduced to six months, (say, from November to May,) in each year, while the attention of absent Students to the subjects of the third term might be secured by requiring them to undergo an examination.

III. Whether, under the present system, or, in the event of your concurring in the changes suggested in the last query, the course for the Degree of B. A. should be extended to four years, or should be limited, as at present, to three years.

IV. The expediency of re-arranging the Course of Instruction at present pursued; of altering the principles upon which Degrees are conferred and rendering them real tests of merit; of so regulating the Studies of the University as to render them at some period of the course, more directly subservient to the future pursuits of the Students.

V. The best means of rendering the Scholarships, authorized by the University Act, available for the purposes contemplated; the Regulations which you would suggest, as to the mode of election to Scholarships; the period during which they should be held, and the emolument which ought to be attached to them; and, in relation to the last enquiry, whether it would be expedient to attach the same stipend to all the Scholarships, or to classify them in one or more grades.

VI. The expediency of establishing Fellowships; the most eligible mode of election to that office; the tenure on which it should be held, and the stipend which ought to be annexed to it.

VII. Whether the present Constitution of the existing faculties, viewed comparatively, is in your estimate, proper.

* As I have not been able to get elsewhere a copy of the "Proceedings of the Visitation Commission", I have had this Circular copied from *The Church* Newspaper of February, 1851.

VIII. Whether rny re-arrangement of the existing Chairs in the Faculty of Arts would be expedient, and calculated to place that Faculty on a footing satisfactory to the public; or, whether an additional number of Professors therein be necessary.

IX. What Regulations would be expedient for the purpose of securing the attendance of Undergraduates and Students upon Public Worship in their respective Churches, and other Places of Worship, and for securing to them the benefit of Religious Instruction from their respective Ministers, and according to their respective Forms of Faith.

The Commissioners will be thankful to receive your suggestions, either orally, or in writing, as may be most agreeable to you at your earliest convenience.

TORONTO, 28th of January, 1851. JOHN BURNS, Secretary of the Commission.

NOTE.—The following particulars, relating to the present establishment, is sent for your information :—

PROFESSORS IN THE FACULTY OF ARTS :—

The Reverend Doctor John McCaul, Professor of Classical Literature, Belles Lettres, Logic and Rhetoric.—Salary, £450.

The Reverend Doctor James Beavan, Professor of Metaphysics and Moral Philosophy.—Salary, £450.

The Reverend Robert Murray, M.A., Professor of Mathematics.—Salary, £450.

Doctor Henry H. Croft, Professor of Chemistry and Experimental Philosophy.—Salary, £450.

PROFESSORS IN THE FACULTY OF MEDICINE :—

Doctor William C. Gwynne, Professor of Anatomy and Physiology.—Salary, £325.

Doctor John King, Professor of Theory and Practice of Medicine.—Salary, £250.

Doctor William R. Beaumont, Professor of Principles and Practice of Surgery.—Salary, £250.

Doctor George Herrick, Professor of Midwifery and Diseases of Women and Children.—Salary, £250.

Doctor William B. Nicol, Professor of Materia Medica and Pharmacy.—Salary, £250.

Doctor Lucius O'Brien, Professor of Medical Jurisprudence.—Salary, £250.

Doctor James H. Richardson, Professor of Practical Anatomy, and Curator of the Anatomical and Pathological Museum.—Salary, £350.

PROFESSORS IN THE FACULTY OF LAW—

Doctor Skeffington Connor, Professor of Law and Jurisprudence.—Salary, £250.

The Commissioners beg leave to mention that the changes which have been most pressed upon their attention as, at once, necessary to the efficiency of the Institution, and possibly attainable with the present income are the following :—

Additional Professors in the Faculty of Arts, videlicet :—Professor of Natural Philosophy, Professor of Natural History, Professor of Modern Languages, Professor of Agriculture; a School of Engineering.

(NOTE. No copies of the Replies to this Circular of the Visitation Commission are available.)

RELIGIOUS INSTRUCTION OF STUDENTS IN THE UNIVERSITY OF TORONTO.*

Arrangements, providing for the Religious Instruction of the Students of the University of Toronto, similar to those which are in operation in the Normal School, Toronto, were made in May, 1851, by the Visitation Commission of the University. The Statute on the subject is as follows :—

1st. *Be it enacted*, That Candidates for matriculation, who, at the time of their applications, may be Students of any Affiliated College, must be furnished with Testimonials from their respective Institutions, and, upon admission to the University, shall be described as belonging thereto.

2nd. *And be it enacted*, That the Students, upon matriculation, shall either be designated as of the particular Religious Denomination to which they belong; or, without any such designations, in accordance with the direction of their respective Parents, or Guardians.

3rd. *And be it enacted*, That Candidates for any Degree, who, at the time of such application, may be Students of any such Affiliated College, shall be required before admission to such Degree, to produce Testimonials from their respective Colleges.

* Copied from the *Journal of Education for Upper Canada*, for May, 1851.

4th. *And be it enacted*, That it shall be competent for the Constituted Authorities of any Church, or Religious Denomination, from time to time, to appoint a Clergyman, or Minister, to the office of Superintendent of Religious Instruction, to be called the Professor of Divinity of such Religious Denomination, or by such other title as any such Denomination may select; who, upon such appointment, shall have the spiritual charge and care of all Students designated, upon matriculation, as belonging to such Religious Denomination other than the Students of such Affiliated College, as hereinbefore provided.

5th. *And be it enacted*, That each Professor of Divinity, so appointed, shall have power, with the occurrence of the authority making such appointment, to prescribe Regulations for the Religious Instruction of the Students under his care, and for securing their regular attendance upon Divine Worship; such Regulations, before coming into force, shall be laid before the Caput of the University, and certified by them as not interfering with the general discipline of the University; but, in case the Caput shall find that the said Regulations do interfere with such discipline, in such case, they shall have power to send back the same to such Professor of Divinity for reconsideration and amendment, in that respect.

6th. *And be it enacted*, That the President of the University shall cause a list of the names of all the Students under the spiritual charge of each Professor to be furnished to such Professor after each matriculation.

7th. *And be it enacted*, That each Professor of Divinity shall, at the termination of each Collegiate Session, report to the Caput on the general conduct of the Students under his spiritual charge, and on the manner in which the Regulations regarding such Students have been observed.

CHAPTER XXVII.

REMINISCENCES OF SUPERANNUATED SCHOOL TEACHERS, 1850-51.

AND SKETCHES OF SCHOOLS IN THE OLDEN TIME.

Among the most interesting Educational Records of the past are the personal reminiscences of the Pioneer Teachers of Upper Canada. Those given in this Chapter, relate to the transition period of School Teaching in the Province before the Teachers, (trained in the Normal School), had, to any appreciable extent, been placed in charge of Schools. What adds additional interest to the personal experiences given in this Chapter is the fact, that these experiences are those of Teachers of more than fifty years ago, when educational affairs were in their crude, formative, stage. With a view to give a preliminary birds-eye view of the state of the Schools, when the character of the teaching in them began to take a really definite practical shape, I insert the following graphic picture of these early primitive times, in school architecture and accommodation, by the Reverend John Gray, D. D., and experienced School Inspector of some years ago. It formed the introductory part of a paper written by him for the East Simcoe Teacher's Convention and published in the *Orillia Packet*, from which it has been copied. I have also added a recent Sketch of the Port Hope Schools.

To understand the past of the educational system, let us visit a School Section such as existed more than forty years ago. There stands the School House, an ungainly looking Log Building, so constructed as to convey the impression that the builder had striven to make the place as ugly and rough as possible. As you enter the Building, the first thing that attracts your attention is a large Box-stove; and the atmosphere is so oppressive as to show that the laws of ventilation are neglected. At the far end is a small platform, on which stands a Chair and also a plain, substantial Desk; and behind it is seated the Master, with a rod, or pair of taws, lying beside him. In front of him are some rough unpainted Forms, without backs. Along the sides of the building are long, badly constructed Desks, which are used in turn by the pupils, while most practise the art of penmanship on their slates. The School Books are of various kinds,—some having only the Bible, or New Testament, and other venerable looking vol-

ulmes known as "Collections" brought by their Fathers from the "Old Country". The Teacher is usually advanced in years, and maintains strict discipline.

The whole appearance indicates the strictest economy, as if education were a luxury, and not a right and necessity. And the Trustees were timid about any expense, as they had to face their constituents every year, many of whom were opposed to education, and called the Trustees to strict account for any expenditure which was deemed unusal, or extravagant.

Books on Arithmetic were of various kinds and qualities; Histories were scarce rnd rarely used. There was no Geography, except that of Morse's which glorified the United States as the "greatest Nation in the World." And yet, amid such plain surroundings, were reared not a few scholars and Teachers, as well as numbers who became our future Legislators, Judges, and leading men. It was a day of small things, not to be despised.

The system of Inspection was exceedingly simple. Each Township was usually under the charge of a "Local Superintendent," who had from two, up to twenty, Schools under his charge. He was in most cases, a Minister, who undertook the work from a sense of duty. This made the Religious Question in Schools easy of solution, and led to the introduction of the Bible into most of the purely Protestant Schools. In a good many cases, the Catechisms of the Churches, Protestant and Roman Catholic, were taught. Everything, however, was in a very imperfect state, and the friends of education were ready to despair unless some improvement soon took place. . . .

It was indeed an era in the history of Education in Canada, when the Reverend Doctor Ryerson became its chief head and promotor. He took in the situation at once. Borrowing several features of his system from other lands, he established what was, in its main elements, an organization of his own. He formed in each County an examining Board, composed of the Local School Superintendents and the Trustees of the Grammar Schools, who were then the *par excellence* educated class of the community. These kept a watchful eye on the Teachers, and gradually weeded out the incapable ones.

(Note. The remainder of Doctor Gray's Paper refers to an improved state of things.)

Reminiscences of Superannuated School Teachers.

1850:—I first began to teach in 1850, in the Township of Arthur, County of Wellington. . . . The first School House, in which I taught, was built of rough unhewn Logs, with the spaces between, chinked with moss, and roofed with shingles, two feet long. The floor was so rough and so loosely laid down, that most of the noon hour was spent in looking for lost pencils and other belongings of the pupils. . . . . .

The next place in which I taught, was the united Section of Sullivan and Holland, in the County of Grey. There was no School House, properly so called, at that date in the Section; but the Trustees secured the use of an old Methodist Meeting House for school purposes. It was a frame Building of sufficient capacity to accommodate all, but was so badly built, and loosely put together, that Teacher and pupils had to fly from it on every windstorm; and it was so cold, that, on cold days, study was impossible. . . .

In the Schools of these early days, the accommodation was, as a rule, fairly good; but there was usually a want of ventilation, which would be utterly condemned in a School of to-day.

The Seating accommodation of these School Houses, consisted chiefly of a Desk round the walls, and a Bench, or Form, of sufficient height to reach the Desk.

The last School, in which I taught, was in the Township of Maryborough. It was a very commodious Frame Building, furnished with all the "modern improvements" of the time. During the first five years, in which I taught, the series of School Books were:—Mavor's Spelling Book, the English Reader and Walkingame's Arithmetic; and any one well versed in the three was supposed to have sufficient education to enable him to transact any of the ordinary business of life After the expiration of these years the above mentioned Books were, in 1847, superseded by the Irish National Series; and it is my opinion that they were the best School Books we have had, because they stored the mind of the pupil with a very substantial knowledge of Scripture, of History and of Simple Natural Philosophy. To these may be added Lennie's Grammar and Hodgins' Geography and History of the British Colonies. There were no Maps at first, with the exception of those which the Text-Books supplied; but, in the later days, these, and Blackboards, and other Apparatus were supplied.

Perrytown. Robert Rooney.

1850. During the year 1850, I spent the greater part of my leisure hours in preparing myself to pass the examination, which was to take place the ensuing Winter. Accordingly, on a day in December, I drove to Palermo. The examining Board were the Reverends Thomas Greene, and William King, Doctor William Craigie of Hamilton, and Mr. Arthur C. Verner, B.A.

The business of the day commenced, in what was then the Grammar School. There were about twenty Teachers present. Some discussion took place during the proceedings, regarding the answers which should be received by the Board. Doctor Craigie gave it as his opinion that the Board should accept any answer which showed that the Teacher thoroughly understood the subject upon which he was being examined, without special reference to any particular Text-book. The rest of the Board and the Teachers present unanimously concurred with Doctor Craigie's opinion, and the matter was thus disposed of to the satisfaction of all parties. It was also decided that Candidates applying for First Class Certificates, but not coming quite up to the standard required, should be awarded Second Class Certificates, while those who applied for Second Class Certificates would, in case of a similar nature, be awarded Third Clsss ones. . . .

When our Certificates were handed to us, and we hastened to seek refreshment, and then proceeded home. . . .

I cannot recall the date, but it was whilst teaching in one of the School Sections, that I was urgently solicited by the Trustees to collect the Rates which they were authorized to levy upon the tax-payers, in lieu of fees. These amounted to more than twenty five cents per month for each child attending the School. Armed with the Warrant of the Trustees, I went from House to House to inform every rate-payer of the amount of his School taxes, and the time it should be paid.

In some instances I met with a positive refusal to pay. Others regarded me with astonishment, and wondered at what they called the cool impudence of the demand, seeing that they had no children to send to School, and that, therefore, they had no right to be called upon to pay School Rates . . . Eventually I succeeded in collecting the greater part of the amount required by the Trustees by the commencement of Summer . . . I gave up this School about the commencement of the Summer holidays of 1851. My salary was somewhere in the neighborhood of Two hundred and forty dollars per annum.

FERGUS. RICHARD UNSWORTH.

1850 :—The first School which I taught was Number Eleven, Township of Montague, on a "Permit" given me by the Reverend James Padfield, Local School Superintendent. When the Board of Education met at Smith's Falls, I received a Third Class Certificate. Mr. James Shaw, afterwards Member of Parliament was President of the Board, but Mr. Padfield was the leading spirit. He was well adapted for an educationist, and gave us some encouraging advice.

I taught this School during 1850 and 1851. It was a Log House built in the woods. My salary was Nineteen pounds, ten shillings ($98) a year and I "boarded round".

FARLEY, Iowa. WILLIAM PLUNKETT.

1850 :—My first experience of School Teaching was in Barriefield, near the City of Kingston in September, 1850. I had been a Teacher in Ireland twelve years previously,—five of which was under the National Board of Education. My Certificates were obtained from The Dublin Kildare Street Church of England and Ireland Training School, and also from The Model School in Marlborough Street National Training School. These Certificates were accepted by the Local Superintendent and by the Trustees of the Barriefield School.

The School Room was new, but badly furnished,—the Desks being long, moveable, and unstable. There was a Teacher's Desk, a Table, but no Maps, or Apparatus. By the Teacher's advice, the Irish National Series of School Books were introduced, as were also Morse's Geography, Murray's Grammar, an old Arithmetic, (the name of which has escaped my memory), and Carpenter's Spelling Book. We also introduced Reid's English Dictionary. I found that the old fashion of reciting and reading individually before the Teacher was in vogue ; and the idea of grading pupils, and forming them into classes, seems never to have been entertained . . . We had a half holiday on Wednesdays and Saturdays.

The salary of the Teacher depended on the number of pupils. Each pupil was supposed to pay Twenty-five cents per month, during their attendance : and also a dividend of the Government and County appropriation to each School, which was paid yearly, or half yearly, through the Local Superintendent.

ETIWANDA, California. HENRY DUGDALE.

1850 :—I commenced teaching in School Section Number Five, Township of Kitley, County of Leeds, in January, 1850. There I remained for twenty-four consecutive years ! The Building in 1850 was very poor, in dimensions about twenty feet square, and the ceiling seven feet high. The School House was built of Logs, and the floor and ceiling were of rough boards ; it was without ventilation, except through the door and windows.

The fittings would compare favourably with the Building itself. For Desks there was a pine Board on two sides of the House, about fourteen feet long, and eighteen inches wide, planed on the upper side and nailed to the wall. For Seats, there were rough Benches hewed

from Cedar, or Basswood, logs. . . . At first, the Books were of the Irish National Series ; but they were succeeded by the later ones authorized by the Education Department. Then we obtained from the Depository four Maps of the Eastern and Western Hemispheres, of Europe and of Canada.

Many times I had sixty pupils in that little Building. Now there is on the Site, a good substantial well-furnished Stone Building.

In my next School, after I left my first School, was in School Section Number Eight, in the same Township of Kitley, where I taught for four years, until I became disabled and had to retire.

JOHN MACKAY.

JASPER.

1850:—In September, 1850, I engaged as Teacher in School Section Number Five, Colchester Township, County of Essex ; but, before commencing I had to pass an examination by the Local Superintendent, which was as follows :—" What is your name ? How old are you ?—I don't need to ask your nationality,—I know you are Scotch.—How far have you been in Arithmetic ? Write your name." I did so ; he seemed pleased with the writing, and said that I would do, and gave me a Certificate, which would hold good until the first Meeting of the County Examining Board. . . .

The School House was built of round Logs, of dimensions 26x20 feet ; the Desks were ranged along the walls, and were very roughly constructed. . . . There was no School Apparatus, and the only Books used were Mavor's Spelling Book, the Testament, and English Reader ; and Gray's, Ingram's and several other Arithmetics. I had no fixed salary, but got the amount of Subscription, Government and Municipal Grants, which together amounted to about Two hundred dollars a year without board.

HARROW. JOSEPH DRUMMOND.

1850. In the School in which I taught in 1850 I remained over five years. Three of my scholars took First Class Certificates, while attending my School, and a number Second Class Certificates. The last School in which I taught I remained eleven years and gave satisfaction. The School House in this Section was built of Brick, and, owing to the want of proper foundation, there were cracks in the walls in several places which made them look somewhat unsafe.

HUBREY. ROBERT DICKSON.

1850 :—I came to Canada from Dublin in 1849. I attended the first examination that was held under the Upper Canada School Law of 1850 at St. Thomas . . . The examination was carried on in a very loose manner, it being oral and without method in its arrangement. In a year or so, however, there was a change in the programme, and printed questions were used. I attended one of the latter examinations in London, and everything was strictly and well conducted. I obtained a Second Class Certificate at this time, having previously held the same.

The first School I taught was in the Township of Westminster in 1850, which was kept open for six months by myself, and three months by another Teacher. The School House was Log, of dimensions 20x17 feet; and the Books used were the Irish National Readers, Kirkham's Grammar, Morse's Geography, Daboll's Arithmetic. The Seats were long, with the Desks placed against the walls ; and there were no Maps, or Apparatus, of any kind.

The next School which I taught was in the Township of Nissouri in a Log house of 20x17 feet. The Books used were the Irish National Readers, Kirkham's Grammar, Morse's Geography, Walkingame's Arithmetic; and there were no Maps, or Apparatus, in the School.

In 1851, I taught in the Township of Delaware, in the County of Middlesex. The Building was of Log, and about the same size as the previous one ; and the Books were the same as those formerly used.

CHARLES SHORTT.

CRAIGIE.

1850 :—An old Log School House was the first educational structure erected in Orangeville, and was after the design of the log shanties of pioneer times, without any Ceiling, and with the typical long narrow Windows, characteristic of edifices of this kind. In the centre of the School Room was a Stove, and around this were tiers of Logs, which served as Seats for the pupils. Some years after its erection, it was improved by the addition of Seats on a more modern scale. The first Teacher of the school was Mr. Thomas Davidson, who has long since joined the silent majority.

ALEXANDER STEEL.

ORANGEVILLE.

1850 :—In the year 1850, I commenced to teach in the Township of Arthur, County of Wellington. * * * . The School House in which I taught was the first erected in the Township, and was built of logs. * * * . There were no Desks, plank Seats, no Maps ; and the Books were the Irish National Series.

I next engaged to teach the Centre School in Eramosa in January 1851, which was a large frame building. It was well furnished with Desks, Maps and other Apparatus: the Books used were the Irish National Series.

I then moved to Pushlinch School within forty miles of Hamilton, and taught there for two years : after which I moved to Mount Forest in 1854, which was at the time a Government Town Reserve. Afterwards I taught in Egremont, County of Grey, two miles from the present Town of Mount Forest, in a well furnished frame Building.

For two years I taught in Arthur Township in a Log building, but well-furnished with Maps and Desks.

JOHN W. WALKER.

STONEWALL, Manitoba.

1850 : Doctor Kelly, School Inspector, in his Report of 1850 says : Brantford was incorporated as a town in 1847, . . . , and in 1850 Mr. P. C. Van-Brocklin was Mayor, and also Chairman of the School Board . . . In this year Mr. J. L. Hughes, (now Inspector of the Toronto City Schools,) was Principal of the new Central School,—the west wing of the present structure,—which was formally opened by the late Reverend Doctor Ryerson, Chief Superintendent, in March of that year. Mr. William Hutton, now of Winnipeg, was Assistant in the Boys' departments, and Mrs. Corbett in the Girls'. The salaries were not extravagant, being respectively Five Hundred, Three Hundred, and Two Hundred dollars per annum. The Reverend Alexander Drummond was Local Superintendent at that time. . . .

1850 : Mr. Hiram Robinson, Chairman of the School Board of Ottawa, in a Letter gives the following interesting information of School affairs in that City. He says :—1850, our most respected townsman, Mr. Alexander Workman, was elected Trustee along with Messieurs Atkins, Burke, Turgeon, Joynt, and Marier. Mr. Francis Scott was appointed Secretary of the School Board, and Mr. Workman, School Superintendent. A demand was made upon the Town that year for the support of the Schools for £135 8s. 4d., exclusive of the Government grant. One pound was allowed to Returning Officers for holding elections. Male teachers received £30 per annum, and females £15. The children taught numbered one hundred and twenty-four males and seventy-nine females, representing Protestants and Roman Catholics. . . .

1850 :—After leaving the Normal School at the close of the Winter Session of 1849-50, I engaged to take a School in the Township of Augusta, County of Grenville. The Building was of Stone, of 20 x 30 feet, with a row of Seats in front of Desks attached to the walls on Two sides of the Room. . . The School was supplied with Maps of the Continents, and one of the United States ; and the Books were of the Irish National Series. . .

I was engaged in this School for three months only, at a salary of Fifteen dollars a month, and to "board round" among the pupils. . . At the end of the time, I held an examination, which was well attended, and with which the Trustees were so well pleased that I was engaged for the remainder of the year at a greatly increased salary.

For the year 1851, I engaged in a School in the Township of Mountain, County of Dundas, at Three Hundred dollars a year and to "board round" also among the pupils. The School House was built of sided Cedar Logs, and was about fifteen feet square ; was without Desks, with Benches of sided Logs ; a Blackboard, about three feet square on which I taught Writing, Arithmetic, Grammar, and Geography. The only Books used were the Irish National Readers.

As I thought it best to try different Schools, I went west and taught in the Village of Madoc, County of Hastings for a year, at a yearly salary of Three Hundred and Fifty dollars. The School House was an old Frame Building, about 30 x 40 feet ; a storey and a half high, with very good Desks and Seats ; and was well-furnished with Books, Maps and other Apparatus.

KEMPTVILLE. R. O. CAMPBELL.

1850 :—I commenced the profession of teaching in 1850, at what is now the Village of Seeley's Bay, situated on the Rideau Canal, about twenty-five miles east of Kingston. My salary was Nine dollars a month and "board round" at the people's Houses. The Room, in which I taught was in a Frame Building, about twenty feet square, situated, like most of the School Houses of the day, on the corner of somebody's farm, without any playground except the highway. On the inside of the Building were three long Desks extending around three of its sides, with a Seat between the Desk and the wall for the pupils. There were no Globes, Blackboard, or Maps, in use.

In 1851, I taught in School Section Number Five of the same Township of Kitley, at a salary of Eleven Dollars a month. Here the School House was worse than the other I have mentioned, it being an old Log Building, 18 x 20 feet, with no School Apparatus of any kind. I induced the Trustees, however, to furnish a Blackboard, which was the first used in any School in the Township. After having taught there for six months, I attended the Normal School, Toronto, during the latter part of 1851, and the beginning of 1852. I afterwards taught

in the Village of Elgin, Township of Crosby, the remaining part of the following year where there was no Apparatus, with the exception of a Blackboard. The instruction which I received at the Normal School, however, enabled me to teach with more satisfaction to myself, and advantage to the School.

J. E. JOHNSON.

SLOPERTON.

1851. In January 1851, I commenced teaching in Thorndale, in the Township of West Nisouri, then in the County of Oxford. The School House was much like my other ones, with the exception that a huge Fireplace extended half way across one end of the Room, which was surmounted by a great square Dutch Chimney which smoked badly on a windy day. That Winter we had a Debating School in the School House. . . .

There was no Lock to the Door, so we leaned a big firewood stick against the Door every evening, and pushed it down again in entering next morning. . . . Toward the end of my second Winter there the old School House was burned down one night, . . . : but the Trustees set at once to work, and erected a fine Frame Building upon the same Site, and which, I believe, stands there still. It was the first good School House which I occupied as Teacher. Here I received as salary Seventeen Dollars a month, and paid one Dollar a week for my board. . .

When I left Nissouri, I began to teach in Petersville, a suburb of London, Ontario, across Blackfriar's Bridge. There there was a good Brick Building, well lighted and provided with Desks, Seats, and Blackboard, but with no Maps, or other Apparatus. It was composed almost equally of Protestant and Roman Catholic children . . . While there, however, I never heard a discordant word on the subject of sectarianism. The secular branches only were taught in this School, with as much moral and Religious Instruction as could be introduced. By "religious." I mean, such as all good, God-fearing people were agreed upon. For instance, I asked, while talking about Sabbath observance "What works may lawfully be done on the Sabbath?" A Protestant boy answered "Those which cannot be done on Saturday, nor left off until Monday." A Roman Catholic boy replied "Works of necessity and charity." Every one saw at once that both answers were good and essentially the same . . .

During the first week of January, 1851, all Teachers in the County, excepting those holding Normal School Certificates, had to go into London to be examined under the Programme, just then issued by the Provincial Council of Public Instruction. The examination proved to be a great leveller. Many who had previously been considered oracles of learning, came out badly plucked.

From that time we had a better classification of Teachers, a uniform set of Text-books, and an improved mode of School Inspection. More attention began to be paid to School Houses and Grounds; Teachers salaries began to rise, and things to improve generally.

TORONTO. JOHN PHILIPS.

1851:—On coming to London in 1851, I was appointed Teacher in the Union School, of the Junior Division of Girls. The School had been erected in 1849, and was a plain Structure, containing six rooms, which were shortly afterwards divided, each into a Class Room, with a seating capacity for eighty pupils, and a Gallery for those not requiring Desks. Before this alteration, there were some Rooms with two Teachers; so that the desired progress was not being made, and the monitorial system was in vogue.

The Rooms were heated by means of large Box Stoves at each end . . . The best Maps and Globes were provided from the Educational Depository, Toronto; and the Rooms were furnished with long Benches, which were built quite irrespective of the size and age of the pupils. These were afterwards superseded by improved short Benches and Desks for two children. The Irish National Series were the Text-books used; but afterwards the Canadian Series were introduced. There were no examination papers of this early date, but the Teacher in one grade prepared the Teacher for a lower grade. This, however, caused some jealousy, and was afterwards discontinued.

E. HOPKINS.

LONDON.

The School in which I taught in 1851, was in the Township of Darlington; a Frame School House. Writing Desks were fastened to the wall; the floor was raised probably a foot at each row of Seats and with a back to the Seats. The Irish National Readers and Arithmetics were generally used in this School; also an Agricultural Reader published by the Reverend Doctor Thornton of Oshawa.

The next School in which I taught was in a small Frame House about twenty feet square; Seat and Desks all around the Room, except where the door was. The Benches had no backs and were all over the floor. The attendance was forty pupils. I engaged for two months at Eighteen Dollars a month; I remained there four years and two months—the last year, or two

got $350 a year. Taught in the old House a year, or two. A new House was built, with improved Seats and Desks for two, only, not such as we have now, but good big strong ones made by the carpenter that built the School House. Maps and Blackboard were furnished. I have now been teaching for about seven years. The Houses were good Brick Houses, furnished with Blackboard and Maps, and the authorized Text-books were used in all of them. It is twenty two or three years since I taught, and I have forgotten the names of many of the Books used.

WHITBY. J. W. PALMER.

In 1851, I went to South Mountain Township, Section Number 1, which was a small Village, but with only a very poor Log School House, and a large attendance of pupils, numbering about eighty. It was during this year that I first went to the County Board for examination, which was conducted by four, or five, Ministers. We wrote a few lines, worked some Arithmetic, and then we were questioned and answered verbally.

I taught also in School Section Number 17. The Section was newly formed, and I was the first Teacher. A Log School House had been built, and it was warm and comfortable, and I had a Desk and Bench for myself. I was the first Teacher in Mountain to rebel against boarding around among the farmers. The Teachers to whom I spoke said that I would not succeed. The first year I got Nine dollars a month, so I told the Trustees that I would take Twelve and board myself, and as they did not wish me to leave they finally consented to do so.

KEMPTVILLE. ELIZABETH J. GLENDAY.

1851:—I sailed from Belfast in the autumn of 1851, and in about six weeks arrived at Bytown, now Ottawa. For the remaining two months and a half of the year, I taught in a Union School near Carp Village, County of Carleton. While the school accommodation seemed insufficient, compared with what I had been accustomed to, yet for a new Country, I thought it very fair. The Building was of sided logs: and I cannot recollect that it contained any Maps.

COCHA BAY. DAVID D. KEENAN.

1851:—The School House in which I was engaged in 1851, was a Log Building, fitted up with two long Desks, one of which was on each side of an aisle from the Door to the Teacher's Desk. Long Forms were so arranged, that the pupils, when seated, had their backs to the Teacher. In the aisle were Benches placed for the younger pupils: and all the Benches and Forms were without a back-support for the pupils. There were no Maps, nor Apparatus of any kind. The Books used were Mavor's and Cobb's Spelling books. The Readers of the Irish National Series, and Lennie's and Kirkham's Grammars. The Bible was used as a Text-book at the opening and closing of the School. The Arithmetic principally used was Walkingame's, and the Geography was Morse's. The Copy books were foolscap paper, at the head of which the Teacher was obliged to set the copy.

ROBERT HAMILTON.

CLARKSBURG.

THE EARLY SCHOOLS OF PORT HOPE. The following is copied from a recent Publication entitled: "Port Hope Historical Sketches." Chapter XVIII of that Volume:—

In Chapter Five it was mentioned casually that the First School in Port Hope was kept in the year Seventeen Hundred and Ninety-seven in the Smith Homestead by Mr. Collins of Montreal. From that date until Eighteen Hundred and Twelve nothing definite is known of any educational institution in the Village of Port Hope; but it is not unlikely that there were Private Schools similar to the above, where the children of the Village received instruction.

In Eighteen Hundred and Twelve, it would seem that there was a plank School-House situated on Walton Street opposite John Street and, though a private institution, it may yet be considered as the Parent School of the present Public School System of the Town. It was taught in that year by Mr. John Farley, whom history records as a man of good education and a successful Teacher. He was succeeded during the next few years by Mr. John Taylor and later by Miss Hannah Burnham, who was School Mistress there from Eighteen Hundred and Fifteen to Eighteen Hundred and Seventeen. Then followed Mr. Gardiner Clifford and Mr. Page during brief intervals.

At this juncture the School was taken down and removed to the corner of King and William streets, where it stood for many years. In it in its new position taught Mr. Hobbs, Mr. Valentine Tupper, Mr. Alexander Davidson, Mr. Patrick Lee, Mr. John Bengel, Mr. Rattery, Mr. George Hughes and Mr. Maxwell in succession, bringing the School down to Eighteen Hundred and Thirty-three.

Meanwhile, as might have been expected, there were numerous other Schools started in various parts of the Town. Mr. John Taylor opened a School on Cavan street in Eighteen Hundred and Nineteen. Chief Justice Draper, then a Law Student, taught School here about the same time. The Reverend Mr. Coghlan, in Eighteen Hundred and Thirty two, built the House until recently occupied by Mr. James Kerr, and took advanced pupils. Mr. Millard and the Reverend Doctor Shortt continued his labours there. About Eighteen Hundred and Thirty-two Mr. Murdoch McDonnell taught in Mr. J. D. Smith's old store on Mill Street for a short time, and then built a School House on the south-east corner of Pine and South Streets, which was later rented by the School Trustees of the Town. These are but a few of the educational institutions that the Town possessed.

The first Government aid granted to the Schools of Port Hope was received in Eighteen Hundred and Forty-two and, amounted to the sum of Forty-five pounds, Twelve shillings and six pence, ($182.50). From this it may be concluded that there had been some public supervision of the Schools, though probably it only amounted to the annual appointment of a School Superintendent. The Reverend John Cassie was the first appointed. In Eighteen Hundred and Forty-four the Town was divided into three School Sections, of which Section One comprised the present Ward 2, Section Two the present Ward 1, and Section Three the present Ward 3. For each of these School Sections Trustees were appointed. Both Sections Two and Three had School-houses already but, though tenders were asked for the erection of a Brick School House in Section One, it does not appear that there was ever a School-house there.

In Eighteen Hundred and Forty-eight, the first Board of Trustees for the Schools was appointed. It consisted of Reverends J. Cassie and J. Baird, and Messieurs John Reid, Wm. Mitchell, Wm. Barrett and Wm. Sisson. Mr. Mitchell was Chairman, and the Reverend J. Baird Superintendent for several years.

In Eighteen Hundred and Fifty-one the plank School House was moved some distance back on William Street and repaired. Mr. Thomas Watson was placed in charge of it, while Mr. Thomas Spotton occupied the rented School House on Pine Street. Another small School was kept at the same period by Mrs. Grierson in the Kitchen of her House, just south of Holmes' Establishment on John Street. The fees of the pupils at these Schools were about One dollar and Twenty-five cents per quarter.

Two years later the Board of Trustees decided to erect two new Schools, according to a plan strongly favoured by Mr. Wm. Barrett and some others. These Schools were to be octagonal in shape and lighted from the top. Lots were secured,—one where the present East Primary School stands, and the other on the corner of Little Hope and Sullivan Streets—and the Schools were erected. Mr. Spotton was removed to the Western School and Mr. Watson to the Eastern School, while Mr. Wright was placed in charge of the old plank School House on William Street.

Dr. Henry G. Forbes, writing of the Port Hope Schools, says :—

My earliest recollections of the Public School System of Port Hope dates from the Summer of 1851, when the Town employed Mr. Thomas Watson to teach the primary grades of the Schools. There were no Grammar School at that time, but a higher education could be obtained at private Schools. I believe Mr. Thomas Spotton kept a Private School, and taught everything from the Alphabet up to Homer. He is recollected well by the older generation, from the fact, that he used the ruler in more ways than one. . . .

The School in which Mr. Watson taught was a small Frame Building of one Room, (since burned down.) It continued in that place until the spring of 1852, when the first attempt to have a Grammar School in Port Hope was made.

Mr. Hugh Lucas of Port Perry thus recalls his past experience :—

In January, 1851, I travelled Forty-nine miles on foot to my first examination in Port Hope. My examiners were the Reverend Samuel Armour, the Reverends William Ormiston and James Blair. The examination was principally oral ; and, as the Irish National Series were the Text books used here, I felt at home on most of the subjects, having left school in Ireland only a few months previously.

My first School, Number 1, Cartwright, County of Durham, in which I remained for nine years, was a low Log building, 18 x 24 feet, very meagrely furnished. In 1853, a new frame School House was erected ; and for which was furnished Maps of the Continents, and a good sized Blackboard.

1851. The following branches of Education were taught under the Free School System in the town of London in 1850 for three shillings currency, (60 cts .) per quarter,—the calculation being based upon the actual number of pupils that have been upon the Rolls. Upon the average attendance it is only $1.22. Under the Rate-bill of 1850 it was $2.04. The branches of Education taught under the Free School System were :—Reading, Arithmetic, Grammar, Geography,

History, Writing, Book-keeping, Mensuration, Algebra, Geometry, Elements of Natural Philosophy, Vocal Music and Other Studies.

HART'S PRIVATE SCHOOL FOR BOYS IN TORONTO, 1843-1848. On the west side of Church Street, Toronto nearly midway between Queen and Richmond Streets, stood a small two storey double Frame House, the lower floor of which was afterwards occupied by a newsdealer and another shop. The whole Building was once occupied as a School and Residence by Mr. Hart, a small gray haired Irishman. . . .

The School was started about 1843, and continued until 1848—The School Room was on the ground of part of the Building—The remainder of the house was occupied by Mr. Hart as a Residence—Thirty or forty pupils, all boys, attended the school, among whom several Toronto citizens of to-day—The School-room was arranged in a peculiar fashion. The Master set behind a high Desk on one side. Around the other three sides, were ranged one continuous row of Benches with Desks in front of them. On these Benches, the boys sat, every one, with his back to the master. By this method of arranging his pupils, he could watch every boy's movements unknown to him, and frequently when two boys were racing pens across the desk, he would quietly descend from his perch, and stepping on tip-toe across the Room, would suddenly seize each by the shoulders, greatly to their consternation.

English branches and Latin constituted the course of study at the School—Mr. Hart was very attentive to his duties, very humourous, and was rather a favourite among the boys—A switch of nine tails was his weapon of punishment—It was his habit to mention how many blows—"pandies," they were called, in the School Room vernacular, the convicted boy was to receive—The customary number was eight, four on each hand. One pupil used to give great amusement to the boys and great vexation to the Master by his argumentative resistance to punishment. After dodging and squirming to avoid the blows, he would dispute the count until the Master became so confused and annoyed that he inflicted extra punishment, but the pupil invariably beat him on the count. With all his supposed cleverness as a Master, the smart boys would sometimes outwit him.

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